

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Saturday, July 29, 1950

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10145

#### EXTENSION OF ENLISTMENTS IN THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me by the Act of this date, entitled "An Act to authorize the President to extend enlistments in the Armed Forces of the United States," and as President of the United States and Commander in Chief of the armed forces of the United States, I hereby extend for a period of twelve months all enlistments in the Army, the United States Navy, and the United States Marine Corps, including the Naval Reserve and the Marine Corps Reserve, and in any component of the Air Force of the United States, which shall expire at any time after the date of this order and prior to July 9, 1951: *Provided*, That nothing contained herein shall be construed to prevent voluntary re-enlistments or voluntary extension of existing enlistments under provisions of applicable laws or the regulations of the Departments of the Army, Navy and Air Force.

The Secretary of Defense is hereby directed to take such steps as he may deem necessary to carry out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,

July 27, 1950.

[F. R. Doc. 50-6702; Filed, July 28, 1950; 9:55 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### Subchapter B—Farm Ownership Loans

##### PART 311—BASIC REGULATIONS

##### SUBPART B—LOAN LIMITATIONS

#### AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; INDIANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in

the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

#### INDIANA

County	Average value	Investment limit
Penton	\$22,000	\$12,000
Boone	22,000	12,000
Carroll	22,000	12,000
Cass	19,000	12,000
Clay	12,000	12,000
Clinton	22,000	12,000
Davies	14,000	12,000
De Kalb	18,000	12,000
Elkhart	18,000	12,000
Fountain	18,000	12,000
Fulton	18,000	12,000
Greene	12,000	12,000
Hamilton	20,000	12,000
Jasper	20,000	12,000
Jay	12,000	12,000
Jeanes	11,000	12,000
Kosciusko	16,000	12,000
Larrance	15,000	12,000
Lake	18,000	12,000
La Porte	18,000	12,000
Marshall	18,000	12,000
Martin	12,000	12,000
Monroe	12,000	12,000
Montgomery	18,000	12,000
Newton	22,000	12,000
Noble	16,000	12,000
Owen	12,000	12,000
Parke	16,000	12,000
Porter	18,000	12,000
Putnam	13,000	12,000
Saint Joseph	16,000	12,000
Spencer	12,000	12,000
Steuben	16,000	12,000
Sullivan	12,000	12,000
Tippecanoe	20,000	12,000
Tipton	20,000	12,000
Vigo	12,000	12,000
Warren	17,000	12,000
Washington	12,000	12,000
White	18,000	12,000

(Sec. 41, 60 Stat. 1066; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-6653; Filed, July 28, 1950; 8:47 a. m.]

#### PART 321—SELECTION OF FARMS

##### SUBPART B—OPTIONING

##### OPTIONING OF FARM OWNERSHIP FARMS

Subpart B of Part 321 in Title 6, Code of Federal Regulations (13 F. R. 9397), is amended to read as follows:

(Continued on p. 4885)

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# FEDERAL REGISTER

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Titles 44-45 (\$0.25)

Previously announced: Titles 4-5 (\$0.30); Title 6 (\$1.00); Title 7: Parts 1-209 (\$0.55); Parts 210-899 (\$0.75); Parts 900 to end (\$0.75); Title 8 (\$0.20); Title 9 (\$0.20); Titles 10-13 (\$0.20); Title 14: Parts 1-399 (\$1.50); Parts 400 to end (\$0.30); Title 15 (\$0.40); Title 16 (\$0.25); Title 17 (\$0.20); Title 18 (\$0.20); Title 19 (\$0.20); Title 20 (\$0.20); Title 21 (\$0.30); Titles 22-23 (\$0.25); Title 24 (\$0.55); Title 25 (\$0.20); Title 26: Parts 1-79 (\$0.20); Parts 80-169 (\$0.25); Parts 170-182 (\$0.25); Parts 183-299 (\$0.30); Title 26: Parts 300 to end; and Title 27 (\$0.25); Titles 28-29 (\$0.30); Titles 30-31 (\$0.25); Title 32 (\$1.00); Title 33 (\$0.25); Titles 35-37 (\$0.20); Title 38 (\$0.50); Titles 40-42 (\$0.25)

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## SUBPART B—OPTIONING

## Sec.

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- 321.22 Preparation of option.
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- 321.24 Side agreements.
- 321.25 Payment of one dollar consideration.
- 321.26 Recording of option.
- 321.27 Assignment of option.
- 321.28 Expiration of option.

**AUTHORITY:** §§ 321.21 to 321.28 issued under sec. 41, 60 Stat. 1086, 7 U. S. C. 1015. Statutory provisions interpreted or applied are cited to text in parentheses.

**DERIVATION:** §§ 321.21 to 321.28 contained in FHA Instruction 421.2.

§ 321.21 *General.* (a) An option will be taken in the name of the applicant, unless the land to be optioned consists of a tract to be subdivided (in the case of a subdivision, see Subpart D of this part). In the process of obtaining an option, any qualified person may render assistance.

(b) While the information developed by the appraiser would be helpful in arriving at a fair option price, the applicant generally will be advised to obtain an option prior to the preparation of the appraisal form.

(c) Prior to optioning, the County Supervisor will examine all farms or tracts of land proposed for purchase to eliminate the appraisal of unsuitable farms and to assure that the appraising of land for negotiation of prices will not become burdensome. The applicant should be given every possible assistance in securing the option at the lowest cash figure the seller will accept. Usually, land should not be optioned at a price believed to be in excess of the figure that will later be determined to be its appraised value, or when it appears that legal limitations on loans will prevent the purchase of the land. Care should be exercised to advise the vendor when negotiating an option at a price below his asking price, that a further reduction may be necessary. Occasionally, it may be advisable to take an option at the asking price, then have the farm appraised before suggesting a reduction, in order that all necessary reductions of the option price can be negotiated at one time.

§ 321.22 *Preparation of option—(a) Use of option forms.* (1) Options for individual units will be taken on Form FHA-188A or Form FHA-188B, "Option for Purchase of Farm." Form FHA-188A requires the seller to furnish an abstract or certificate of title, and Form FHA-188B requires him to furnish a policy of title insurance. Title insurance will be used when it is available. The seller will be requested to fill out an application for title insurance at the same time he signs the option. The County Supervisor will be advised by the State Office whether title insurance is available and whether Form FHA-188A or Form FHA-188B should be used. When title insurance is used, the seller will be given the choice of any title insurance company which has been approved for issuing title insurance policies in the county. In the case of a Farm Enlargement loan, the seller will select the title insurance company and will apply for title insurance on the tract which

he is selling; at the same time the applicant will apply for title insurance from the same company on the tract which he owns. When possible, it is desirable to insert in the option the time and conditions under which the applicant will be given possession of the property.

(2) Option which involve more than one tract will contain the following clause, inserted in the space provided for conditions peculiar to a particular transaction:

The seller agrees that, irrespective of any other provision in this option, the buyer, or his assignees may, if the option is accepted, without any liability therefor, refuse to accept conveyance of the property described herein if the Government or other prospective Mortgagee fails or refuses to make the aforesaid loan because of defects in the title to other land now owned by, or being purchased by, the buyer.

The inclusion of this clause will relieve the applicant of his obligation to purchase and will absolve him from possible liability for damages whenever incurable defects in the title to other land owned by, or being purchased by the applicant are disclosed, subsequent to the acceptance of the option, which prevent the closing of the loan.

(3) As soon as the option has been signed by the seller and the buyer, it will be transmitted by the County Supervisor to the State Office. (See §§ 331.1 and 332.1 of this chapter.)

(b) *Listing complete information on options.* Options should contain complete and accurate information on all reservations, easements, leases, water rights, or other conditions peculiar to the transaction. Such items as dates of execution and expiration, names of lessees, lessors, and areas involved, and amounts of compensation should be stated clearly. If the spaces provided on the option are insufficient for such information, extra sheets should be used and stapled to the form. Disclosure of such information at a later date causes undue delay in closing the loan. If the applicant is related to the seller, or has the same last name and is not related, the relationship should be explained fully on an extra sheet, or the State Director should be advised that no relationship exists.

(c) *Agricultural conservation program payments.* Options should not contain assignments of Agricultural Conservation Program payments, since the Soil Conservation and Domestic Allotment Act forbids such assignments. However, the cash equivalent of the anticipated Agricultural Conservation Program payment may be taken into account in arriving at the option price, since the amount of such payment and the individuals to whom it will accrue legally can be determined readily.

(Sec. 103, 52 Stat. 35, sec. 18, 52 Stat. 205; 16 U. S. C. 590h)

§ 321.23 *Mineral rights.* It is the general policy of the Farmers Home Administration that borrowers will hold all of the mineral rights in land purchased, improved, or refinanced with the proceeds of Farm Ownership loans. In some instances, however, sellers may refuse to transfer mineral rights, or such rights may be vested wholly or partially in third

parties. In such situations, field officials are to be guided by the principle that, with respect to the minerals, the applicant should make as good a bargain as is possible under the circumstances. Reservations authorized on behalf of a seller should embrace the smallest fraction of the mineral rights and run for the shortest time to which the seller will agree.

(a) When an option is submitted to the State Office which does not propose to convey all of the mineral rights to the applicant, the State Director, after satisfying himself that all practical efforts to obtain 100 percent of the mineral rights have been made, may approve the option if he finds that the following conditions exist:

(1) The applicant has obtained, or is able to obtain, a portion of the mineral rights or guaranties of compensation, either of which is deemed adequate protection against loss in the event that the minerals are developed, or

(2) There is little likelihood that the minerals will be developed. (This determination may be made by the State Director on a county basis or for a group of counties provided the situation with respect to minerals is similar or widespread in the county or group of counties.), and

(3) The situation with respect to the minerals will not jeopardize the security interest of the mortgagee or will not render the farm less than an efficient family-type farm-management unit, and

(4) It is not practicable for the applicant to select another farm.

(b) When a farm which is less than an efficient family-type farm-management unit has been selected by a disabled veteran and is subject to mineral reservations, the option will not be approved unless the State Director finds that such a reservation does not constitute a potential impairment of the income-producing ability of the farm, or will not otherwise render the farm unsuitable for the disabled veteran.

(c) The County Supervisor should ascertain whether the option includes all mineral rights or whether the seller or some prior owner of the property has deeded, leased, or otherwise conveyed the whole or a part of the mineral rights. If the seller is in doubt as to whether a conveyance or lease of any part of the mineral rights has been made, or if there is a possibility that a deed, lease, or any other type of conveyance of mineral rights exists, a check of the public records will be made to determine whether there are such outstanding conveyances. If there is an outstanding deed, lease, or other conveyance of the mineral rights, the County Supervisor will forward to the State Office with the option a copy of such instrument, secured either from the seller or from the public records. If minerals are being reserved by the seller, they should be described specifically in the option, and the term "other minerals" should be avoided when possible.

(Secs. 1, 44, 60 Stat. 1073, 1069; 7 U. S. C. 1001, 1018)

§ 321.24 *Side agreements.* (a) Side agreements between applicants and sellers involving a purchase price greater



or less than the option price or any additional consideration whatsoever are in violation of Federal law. Any party entering into such side agreements or misrepresenting in any way the purchase price is subject, upon conviction under Title 18, U. S. C., sec. 1001, to a \$10,000 fine or imprisonment for five years, or both, and is subject, upon conviction under Title 18, U. S. C., sec. 1014, to a \$5,000 fine or imprisonment for two years, or both, which penalties are referred to in the option. Without in any way limiting their criminal liability described above, by executing the option, the buyer and seller agree that if any side agreement excess payment (money or anything of value) is paid or delivered at any time by or for the buyer to the seller, such excess payment shall be deemed to be intended as a payment immediately due and payable on the buyer's indebtedness owed to or insured by the Government, received by the seller as agent for the buyer for transmittal to the Government. The borrower, in effect, assigns to the Government his right to recover excess payments from the seller. The County Supervisor must call to the attention of applicants and sellers these provisions of the option. Failure on the part of Farmers Home Administration employees to carry out the spirit and intent of these provisions with respect to side agreements will constitute an offense of serious gravity and will be dealt with accordingly. The County Supervisor is responsible for informing applicants and sellers regarding these penalties.

(1) If the County Supervisor or any employee becomes aware of a side agreement before a loan is closed, the County Supervisor will suspend processing and the loan will not be made. He will report the facts in the case to the State Director.

(2) If the County Supervisor or any employee becomes aware of a side agreement after a loan is closed, the County Supervisor will make a report of the facts in the case to the State Director, and will thereafter take only such steps in that case as are requested by the State Director.

(3) Upon receipt of information, if there appears to be substantial evidence of a side agreement and personnel of the Farmers Home Administration are not involved, the State Director will take the following steps:

(i) Make any additional investigation he deems advisable through members of his own staff;

(ii) After he has exhausted all efforts to complete the inquiry with his own staff and is unable to obtain sufficient evidence on which to make adequate recommendations concerning the case, he may request the Area Representative of the Examination Division to make a complete investigation;

(iii) Where the option provides that excess payments are intended as a payment on the buyer's indebtedness owed to or insured by the Government, refer the case to the representative of the Office of the Solicitor for collection of the claim against the seller;

(iv) Transmit a copy of the information he has obtained through the investigation conducted from his office to the

Administrator with recommendations for action by the Administrator on the criminal phase of the case and a copy of the information obtained to the Area Representative of the Examination Division;

(v) Foreclose the loan, if he deems it advisable.

(4) If information received by the State Director indicates that an employee of the Farmers Home Administration is or may be involved in a side agreement, the State Director will refer the matter to the Area Representative of the Examination Division for investigation. In making the referral, the State Director will include such recommendations as he may desire to make concerning the case. After receipt of such investigation report, the State Director will take appropriate action under his delegated authority or will make recommendations to the Administrator concerning the fiscal and disciplinary aspects of the case.

(Sec. 44, 60 Stat. 1069, sec. 1001, 62 Stat. 749, sec. 21, Pub. Law 72, 81st Cong.; 7 U. S. C. 1018, 18 U. S. C. 1001, 1014)

§ 321.25 *Payment of one dollar consideration.* The option requires payment of one dollar (\$1) by the applicant, and the money actually should be paid to the seller, since a receipt for the payment of one dollar (\$1) is acknowledged specifically in the option.

§ 321.26 *Recording of option.* In some cases, it may be desirable to record the option to prevent third parties from acquiring an interest in the optioned property. The County Supervisor will be informed by the State Office of the circumstances under which recordation is advisable. If the option is recorded, the fee will be paid by the applicant.

§ 321.27 *Assignment of option.* If paragraph 10 of Form FHA-188A or FHA-188B has not been stricken by the seller, Form FHA-188H, "Assignment of Option," will be used when it is desirable to assign the option to a new Farm Ownership applicant.

§ 321.28 *Expiration of option.* (a) If in unusual circumstances the County Supervisor is unable to send a Farm Ownership option to the State Office three weeks before the irrevocable period expires, he should send it as promptly as possible and request that it be given preferential consideration.

(b) If it becomes necessary to extend the time of expiration of such an option beyond one year, a new option will be secured by the applicant.

(c) If such an option is in the State Office and the seller gives ten days' written notice of termination, in accordance with the terms of the option, the County Supervisor will wire the State Office promptly so that special consideration may be given to such an option.

[SEAL] DILLARD B. LASSETER,  
Administrator,  
Farmers Home Administration.

JULY 19, 1950.

Approved: July 26, 1950.

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-6652; Filed, July 28, 1950; 8:47 a. m.]

## Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Export and Diversion Programs [Amdt. 5]

#### PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

##### DRIED FRUIT EXPORT PROGRAM (FISCAL YEAR 1950)

1. Section 518.108 is hereby amended to read as follows:

§ 518.108 *Period for making sales.* No payment under this program will be made in connection with any sale for export unless the sales contract was entered into on or after October 1, 1949, and prior to 12 o'clock midnight, e. d. s. t., August 31, 1950: *Provided however,* That no payment under this program will be made in connection with any sale of raisins for export unless the sales contract was entered into on or after October 1, 1949, and prior to 12 o'clock midnight, e. d. s. t., July 31, 1950.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c, 22 U. S. C. Sup., 1510)

Dated this 26th day of July 1950.

[SEAL] S. R. SMITH,  
Authorized Representative  
of the Secretary of Agriculture.

[F. R. Doc. 50-6658; Filed, July 28, 1950; 8:51 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

#### PART 160—REGULATIONS AND STANDARDS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

##### ESTABLISHMENT AND PROMULGATION OF A STANDARD FOR TALL OIL ROSIN

1. Pursuant to section 3 of the Naval Stores Act (42 Stat. 1435-1436; 7 U. S. C. 93), and following 3 months' notice of the proposed standard to the trade (15 F. R. 691) and after oral hearing on May 9, 1950, and other reasonable opportunity to be heard was afforded those favoring or opposing the same, the United States Standard for Tall Oil Rosin, to appear as 7 CFR 160.305, is hereby established and promulgated as follows:

§ 160.305 *Tall oil rosin.* Tall oil rosin means rosin remaining after the removal of the fatty acids from tall oil by fractional distillation. Such rosin shall have the characteristic form and appearance and other physical and chemical properties normal for other kinds of rosin.

2. The heading of Part 160 is hereby redesignated as set forth above.

(Sec. 1, 42 Stat. 1435, sec. 205, 60 Stat. 1020; 70 U. S. C. 91-99, 7 U. S. C. 1624)

This order and the standard established hereby shall become effective November 1, 1950.



Done at Washington, D. C., this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-6684; Filed, July 28, 1950;  
8:50 a. m.]

# Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 341]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.448 *Lemon Regulation 341*—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 26, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of

the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order. (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 30, 1950, and ending at 12:01 a. m., P. s. t., August 6, 1950, is hereby fixed as follows:

(i) District 1: Unlimited movement;  
(ii) District 2: 300 carloads;  
(iii) District 3: Unlimited movement.  
(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 696c)

Done at Washington, D. C., this 27th day of July 1950.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

### PRORATE BASE SCHEDULE

#### DISTRICT NO. 2

Storage Date: July 23, 1950

[12:01 a. m. July 30, 1950, to 12:01 a. m. Aug. 13, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.227
American Fruit Growers, Inc., Fullerton	.494
American Fruit Growers, Inc., Upland	.074
Hazeltine Packing Co.	1.476
Ventura Coastal Lemon Co.	1.752
Ventura Pacific Co.	2.200
Glendora Lemon Growers Association	2.232
La Verne Lemon Association	.865
La Habra Citrus Association	1.243
Yorba Linda Citrus Association	1.220
Escondido Lemon Association	2.099
Alta Loma Heights Citrus Association	.542
Etiwanda Citrus Fruit Association	.324
Mountain View Fruit Association	.308
Old Baldy Citrus Association	.699
San Dimas Lemon Association	1.758
Upland Lemon Growers Association	6.230
Central Lemon Association	.845
Irvine Citrus Association	.455
Placentia Mutual Orange Association	.473
Corona Citrus Association	.448
Corona Foothill Lemon Co.	2.297
Jameson Company	.818
Arlington Heights Citrus Co.	.609
College Heights Orange & Lemon Association	4.029
Chula Vista Citrus Association	1.028
El Cajon Valley Citrus Association	.022
Escondido Cooperative Citrus Association	.173

### PRORATE BASE SCHEDULE—Continued

#### DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Fallbrook Citrus Association	1.347
Lemon Grove Citrus Association	.428
Carpinteria Lemon Association	2.651
Carpinteria Mutual Citrus Association	2.768
Goleta Lemon Association	4.062
Johnston Fruit Co.	4.985
North Whittier Heights Citrus Association	.969
San Fernando Heights Lemon Association	2.043
Sierra Madre-Lamanda Citrus Association	1.705
Briggs Lemon Association	2.465
Culbertson Lemon Association	1.500
Fillmore Lemon Association	1.253
Oxnard Citrus Association	5.754
Rancho Sespe	.747
Santa Clara Lemon Association	3.766
Santa Paula Citrus Fruit Association	3.822
Saticoy Lemon Association	3.192
Seaboard Lemon Association	3.138
Somis Lemon Association	2.985
Ventura Citrus Association	1.263
Limoneira Co.	2.763
Teague-McKevett Association	.977
East Whittier Citrus Association	.645
Leffingwell Rancho Lemon Association	.753
Murphy Ranch Co.	1.577
Whittier Citrus Association	.371
Chula Vista Mutual Lemon Association	.551
Index Mutual Association	.436
La Verne Cooperative Citrus Association	2.631
Orange Belt Fruit Distributors	1.007
Ventura County Orange & Lemon Association	2.275
Whittier Mutual Orange & Lemon Association	.181
Evans Brothers Packing Co.	.000
Lorbeer, Carroll W. C.	.002
San Antonio Orchard Co.	.009
Sweet, L. G.	.004

[F. R. Doc. 50-6618; Filed, July 28, 1950;  
9:00 a. m.]

## PART 958—IRISH POTATOES GROWN IN COLORADO

### APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 97 and Order No. 58 (7 CFR 958.1 et seq.), regulating the handling of Irish potatoes grown in the State of Colorado was published in the FEDERAL REGISTER (15 F. R. 4231). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the area committee for Area No. 3 (established pursuant to said agreement and order), the following rules and regulations are hereby approved.

§ 958.204 *Budget of expenses and rate of assessment, Area No. 3.* The expenses necessary to be incurred by the area com-



mittee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder, during the fiscal period ending May 31, 1951, will amount to \$7,059.00.

The rate of assessment, to be paid by each handler who first ships potatoes from Area No. 3, shall be one-half of one cent (\$0.005) per hundredweight of potatoes shipped by him therefrom as the first shipper thereof during such fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of July 1950, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-6665; Filed, July 28, 1950; 8:50 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

[Supp. 1, Amdt. 1]

#### PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF CERTIFICATED AIRCRAFT AND OF AIRCRAFT ENGINES, PROPELLERS, AND INSTRUMENTS

##### DESIGNATING CONVERTED ENGINES

Supplement 1, published and made effective on March 14, 1950, in 15 F. R. 1352, is amended as follows:

1. Section 18.20-13 (a) (8) is added to read:

§ 18.20-13 *Engines and fuel systems (CAA policies which apply to § 18.20).*

(a) *Engines, general.* \* \* \*

(8) *Designating converted engines.* When engine type or model conversions are accomplished (see CAM 18.7-2 and CAM 18.7-6), the engine nameplate should be altered or replaced to include the new official model designation and any other necessary information shown on the pertinent CAA engine specification.

(i) For current engines, information concerning engine modernizing, engine model conversions, and new properly marked nameplates should be obtained from the engine manufacturer.

(ii) For military surplus engines, or old engines for which new nameplates can no longer be secured, the new model designation symbols should be marked, either in the same title block adjacent to the old symbols, or on a plain thin steel plate attached beside the existing plate

by at least two of the mounting screws. For engines which were never provided with separate designation plates and have, instead, an integral stamping boss on the crankcase, the new designation symbols should be added thereto, or a stamped thin steel plate may be fabricated and attached thereto. The superseded model designations should be obliterated or enclosed with parentheses. When metal stamps are used, care should be exercised to avoid damage to the engine.

(iii) In some instances, suffix letters should be added to the engine serial number on the nameplate to designate certain alterations or conversions. Such additions should be made when the alteration or conversion is not of sufficient importance to warrant model designation changes. Examples of these letter additions are:

(a) Suffix letter "C" on P&W Military R-2000-7, -9, and -11 engines denoting the plain main bearing type main crankcases as indicated on Specification 5E-5;

(b) Suffix letters "A," "E," "L," "M," or "P" on Warner Super Scarab Series 50 engines as indicated on Specification E-104;

(c) Suffix letter "D" on Continental E185 series engines denoting incorporation of a dampered crankcase as indicated on Specification E-246.

(iv) Examples of model designation changes are:

(a) Pratt and Whitney R-985-AN-1 engine converted to R-985-AN-14B may be redesignated R-985-AN-(1)14B if it is desired to preserve its former designation. Usually, though, there is no specific reason to preserve prior identities of converted engines.

(b) A Continental A-65-8 engine converted to an A-75 engine with flange-type crankshaft should be redesignated an A-75-8F engine. Continental Service Bulletin No. M47-16 discusses the manufacturer's recommended procedures for handling conversions of Continental engines.

(c) A Wright R-1820-71 engine, when installed in certificated aircraft, should be redesignated with its civil model designation 702C9GCI and Type Certificate No. 219. Similarly, a Lycoming O-235-2 engine nameplate should be redesignated O-235-B and Type Certificate No. 229.

(d) An R-1830-65 engine, when converted to an R-1830-90D engine, may be designated R-1830-90D and the "65" obliterated.

(v) Some model conversions merely require the addition of the symbols M1 or M2, etc., to the existing designation, e. g., R-2000-7M1 as indicated on Specification 5E-5.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 603, 605, 52 Stat. 1009, 1010, as amended; 49 U. S. C. 553, 554)

These policies shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 50-6633; Filed, July 28, 1950; 8:45 a. m.]

[Supp. 2, Amdt. 6]

#### PART 60—AIR TRAFFIC RULES

##### MINIMUM EN ROUTE INSTRUMENT ALTITUDES

The minimum enroute instrument altitude alterations appearing hereinafter are adopted to meet the requirements of the Air National Guard for an air-to-ground gunnery range in the vicinity of Dover, Del. The alterations have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are made effective during the period indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17-15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Min. Alt.
Hartley (INT), Md.....	Millville, N. J.....	3,000

2. Section 60.17-277 *Red Civil Airway No. 77* is amended to read in part:

From—	To—	Min. Alt.
Meekins Neck (INT), Md.	Int. SE crs. Dover, Del. (VAR) and the center line of Red Civil Airway No. 77.	1,500
Int. SE crs. Dover, Del. (VAR) and the center line of Red Civil Airway No. 77.	Millville, N. J.....	3,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective from 0001 e. s. t., August 12, 1950 to 0001 e. s. t., August 29, 1950. At the end of that period § 60.17-15 and § 60.17-277 will again become effective as designated prior to this temporary amendment.

[SEAL] DONALD W. NYROP,  
Acting Administrator  
of Civil Aeronautics.

[F. R. Doc. 50-6634; Filed, July 28, 1950; 8:45 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

##### APPLICATIONS FOR PERMISSION TO CONTINUE OR EXTEND UNLISTED TRADING PRIVILEGES

The Securities and Exchange Commission today announced an amendment to its § 240.12f-1 (Rule X-12f-1) under the Securities Exchange Act of 1934, adopting



a proposal published for comment on June 24, 1950.

The Commission acting pursuant to the Securities Exchange Act of 1934, as amended, particularly sections 12 (f) and 23 (a), thereof, and deeming such action necessary and appropriate in the public interest and necessary for the execution of the functions vested in the Commission by the act, hereby amends § 240.12f-1 by deleting subparagraph (7) of paragraph (a) and renumbering the ensuing subparagraphs (8) and (9) to (7) and (8) respectively.

In connection with section 4 (c) of the Administrative Procedure Act the Commission finds that the amendment has the effect of granting exemption or relieving restriction and directs that the amendment shall be effective July 25, 1950.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies sec. 12, 48 Stat. 892, 15 U. S. C. 78f)

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

JULY 25, 1950.

[F. R. Doc. 50-6637; Filed, July 28, 1950;  
8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52526]

#### PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

##### IDENTIFICATION CARDS

Part 23, Customs Regulations of 1943 (19 CFR Part 23), is amended by adding a new § 23.33 to read as follows:

§ 23.33 *Identification cards.* (a) Each customs employee, other than an officer of the Customs Agency Service, who needs identification in the performance of his official duties shall be furnished an identification card on customs Form 3133 if the employee is required to carry weapons regularly or from time to time. In all other cases customs Form 3135 shall be used.

(b) A signed recent photograph (2 x 3½ inches) shall be securely affixed with glue or other adhesive in the space provided. The signature shall be on the photograph itself and shall be written from bottom to top. The official customs seal shall be impressed on the lower portion of the photograph on each identification card.

(c) The Commissioner will issue identification cards in appropriate cases to principal field officers. Each principal field officer shall be the issuing officer for the employees under his jurisdiction.

(d) Special identification cards, bearing the facsimile signature of the Secretary of the Treasury and countersigned by the Commissioner, shall be issued to officers of the Customs Agency Service. All officers of the Customs Agency Service are authorized to carry weapons in the performance of their official duties, and specific authorization is therefore omitted from their identification cards.

(e) Identification cards shall be numbered as issued. Each card issued by the Commissioner to a principal officer will be numbered 1 and will start the series of numbers to be maintained in the particular district. Separate series of numbers shall be maintained for customs Form 3133, customs Form 3135, and the special identification cards issued to officers of the Customs Agency Service. A simple but adequate record of identification cards issued shall be maintained by each principal officer.

(f) Identification cards issued to principal field officers and to officers of the Customs Agency Service, when taken up for any reason, shall be transmitted to the Bureau for cancellation and thereafter returned for filing in the respective employees' personnel folders in the field offices. When such cards have been issued by principal field officers and are thereafter taken up for any reason, they shall be canceled and placed in the respective employees' personnel folders in the field offices.

(R. S. 161, 251, secs. 581, 624, 46 Stat. 747, as amended, 759; 5 U. S. C. 22, 19, U. S. C. 66, 1581, 1624)

[SEAL] FRANK DOW,  
Commissioner of Customs.

Approved: July 25, 1950.

JOHN S. GRAHAM,  
Acting Secretary of the Treasury.

[F. R. Doc. 50-6658; Filed, July 28, 1950;  
8:49 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

#### Subchapter C—Federal Savings and Loan System

[No. 3386]

##### PART 145—OPERATIONS

##### EMERGENCY LIMITATION ON UNSECURED LOANS

JULY 25, 1950.

Amendment requiring borrower to supply 10% of cost of improvements in connection with certain unsecured loans.

Resolved that Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) is hereby amended, effective August 15, 1950, by inserting immediately after § 145.8, a new § 145.8-1, reading as follows:

§ 145.8-1 *Emergency limitation on unsecured loans.* In the public and national interest, notwithstanding any other provision of these rules and regulations or of any charter, no Federal association shall make any unsecured loan, other than an insured or guaranteed loan, during the period that this emergency regulation remains in effect, unless the borrower states in writing that his borrowings to cover the cost of the property alteration, repair, or improvement, including the proceeds of any such loan and any trade-ins and other allowances, will not exceed 90% of the total cost of any such alteration, repair, or improvement. This section shall terminate August 15, 1951.

Resolved further that, by reason of current economic conditions, the Home Loan Bank Board hereby finds that this amendment restricting certain unsecured loans is in the public interest and may be adopted under the provisions of § 108.11 of the general regulations of the Home Loan Bank Board and that deferment of the effective date beyond August 15, 1950, would be contrary to the public interest.

(Secs. 4, 5, 48 Stat. 129, 132, as amended, Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp., 61 Stat. 954; 12 U. S. C. and Sup., 1463, 1464, 5 U. S. C. Sup., 133y-16 note)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 50-6655; Filed, July 28, 1950;  
8:48 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue, Department of the Treasury

#### Subchapter C—Miscellaneous Excise Taxes

##### PART 186—GAUGING MANUAL

##### Correction

In Federal Register Document 50-6597, appearing at page 4737 of the issue for Thursday, July 27, 1950, the second sentence of § 186.23 should read, "Fractional gallons beyond the first decimal will be dropped if less than 0.05 or will be added as 0.1 if 0.05 or more."

## TITLE 47—TELECOMMUNICATIONS

### Chapter I—Federal Communications Commission

#### PART 13—COMMERCIAL RADIO OPERATORS

##### RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 13 since it last appeared in a daily issue of the FEDERAL REGISTER, there follows a recapitulation of Part 13 as revised to and including the Commission's actions of June 27, 1950.

##### GENERAL

- Sec. 13.1 Licensed operators required.
- 13.2 Classes of operator licenses.
- 13.3 Dual holding of licenses.
- 13.4 Term of licenses.
- 13.5 Eligibility for new license.
- 13.6 Operator license, posting of.
- 13.7 Operators, place of duty.

##### APPLICATIONS

- 13.11 Procedure.
- 13.12 Special provisions, radiotelegraph first class.

##### EXAMINATIONS

- 13.21 Examination elements.
- 13.22 Examination requirements.
- 13.23 Form of writing.
- 13.24 Passing mark.
- 13.25 New class, additional requirements.
- 13.26 Canceling and issuing new licenses.
- 13.27 Eligibility for reexamination.
- 13.28 Renewal service requirements, renewal examinations, and exceptions.



## CODE TESTS

- Sec.  
13.41 Transmitting speed requirements.  
13.42 Transmitting test procedure.  
13.43 Receiving speed requirements.  
13.44 Receiving test procedure.  
13.45 Computing words or code groups.

## SCOPE OF AUTHORITY

- 13.61 Operating authority.  
13.62 Special privileges.  
13.63 Operator's responsibility.  
13.64 Obedience to lawful orders.  
13.65 Damage to apparatus.  
13.66 Unnecessary, unidentified, or superfluous communications.  
13.67 Obscenity, indecency, profanity.  
13.68 False signals.  
13.69 Interference.  
13.70 Fraudulent licenses.

## MISCELLANEOUS

- 13.71 Issue of duplicate or replacement licenses.  
13.72 Exhibiting signed copy of application.  
13.73 Verification card.  
13.74 Posting requirements for operator.  
13.75 Record of service and maintenance duties performed.

## SERVICE

- 13.91 Endorsement of service record.  
13.92 Aviation service endorsement.  
13.93 Service acceptability.  
13.94 Statement in lieu of service endorsement.

AUTHORITY: §§ 13.1 to 13.94 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

## GENERAL

§ 13.1 *Licensed operators required.*<sup>1</sup> Unless otherwise specified by the Commission, the actual operation of any radio station for which a station license is required shall be carried on only by a licensed radio operator of the required class.<sup>2</sup>

<sup>1</sup> Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit," and "authorization."

<sup>2</sup> By Order No. 126, dated August 21, 1945 certain railroad employees were authorized to operate radio transmitting apparatus for use in connection with railroad operations without an operator's license upon compliance by the affected employee and the employing railroad with the condition of the Commission's order.

<sup>3</sup> By Commission Order No. 133, dated May 10, 1946, effective June 1, 1946, the Commission waived the requirements for the operation of mobile or portable radio transmitting apparatus by a licensed operator in the Emergency, Miscellaneous, Railroad and Experimental Services (Parts 5, 10, 11 and 16 of the Commission's rules) subject to certain conditions stated in the order. Those provisions of Part 13 of the Commission's rules that are inconsistent with the provisions of Order No. 133 are suspended.

<sup>4</sup> By order, dated and effective December 15, 1947, and by subsequent orders effective March 15, 1948, June 15, 1948, November 15, 1948, April 15, 1949, November 15, 1949, and May 15, 1950, the Commission temporarily waived to a limited extent the requirement that ship radar stations licensed in the Ship Service be operated by licensed radio operators. See footnote 71, § 8.195 of the Commission's rules governing Ship Service. See also § 13.61.

<sup>5</sup> See § 13.61.

§ 13.2 *Classes of operator licenses.*<sup>1</sup> The classes of commercial radio operator licenses issued by the Commission are classified basically as radiotelegraph and radiotelephone licenses, and are further classified in accordance with international usage as follows:

- (a) General radio operator group:  
(1) General radiotelegraph certificates:  
(i) Radiotelegraph first-class operator license.  
(ii) Radiotelegraph second-class operator license.  
(2) General radiotelephone certificates:  
(i) Radiotelephone first-class operator license.  
(ii) Radiotelephone second-class operator license.  
(b) Restricted radio operator group:  
(1) Special radiotelegraph certificate:  
(i) Radiotelegraph third-class operator permit.  
(2) Restricted radiotelephone certificate:  
(i) Radiotelephone third-class operator permit.  
(c) Limited radio operator group:  
(1) Limited radiotelephone operator certificate:  
(i) Restricted radiotelephone operator permit.  
(ii) Aircraft radiotelephone operator authorization.

§ 13.3 *Dual holding of licenses.* A person may not hold more than one radiotelegraph operator license (or restricted radiotelegraph permit) and one radiotelephone operator license (or restricted radiotelephone operator permit) at the same time.

§ 13.4 *Term of licenses.* Commercial operator licenses are normally issued for a term of 5 years from the date of issuance.

§ 13.5 *Eligibility for new license.* (a) Under the provisions of section 303 (1) of the Communications Act of 1934, as amended, United States citizens who are found qualified by the Commission are the only persons to whom radio operator licenses may be issued.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to

<sup>1</sup> By Commission Order No. 97, dated May 19, 1942, the Commission established a class of operator license designated "Temporary Limited Radiotelegraph Second Class Operator License", to be valid for a period of five years from the date of issuance, for the operation of certain ship radiotelegraph stations. By Commission Order No. 136, effective June 30, 1946, the issuance of this class of license was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may not be renewed.

<sup>2</sup> By Commission order dated June 27, 1950, and effective September 1, 1950, the issuance of the previous license entitled "Restricted Radiotelegraph Operator Permit" was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof, but may be renewed only as Radiotelegraph Third-Class Operator Permits.

<sup>3</sup> Classification by international usage.

be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended, or (3) who is afflicted with complete deafness or complete muteness or complete inability for any other reason to transmit correctly and to receive correctly by telephone spoken messages in English.

(c) No applicant who is eligible to apply for any commercial radio operator license shall, by reason of any physical handicap, other than as set forth in paragraph (b) of this section, be denied the privilege of applying and being permitted to attempt to prove his qualifications (by examination if examination is required) for such commercial radio operator license in accordance with established procedure; nor, subject to the following conditions, shall such applicant be denied the issuance of any commercial radio operator license for which he is found qualified:

(1) If the applicant is afflicted with an uncorrected physical handicap which would clearly prevent the performance of all or any part of the duties of a radio operator, under the license for which application is made, at a station under emergency conditions involving the safety of life or property, he may be issued the license for which he is found qualified: *Provided, however,* That any license so received, if of the diploma form (as distinguished from such document of the card form), shall bear the following restrictive endorsement:

This license is not valid for the performance of any operating duties, other than installation, service and maintenance duties, at any station licensed by the Federal Communications Commission which is required, directly or indirectly, by any treaty, statute or rule or regulation pursuant to statute, to be provided for safety purposes.

(2) In any case where an applicant, who normally would receive or has received a commercial radio operator license bearing the endorsement prescribed by subparagraph (1) of this paragraph, indicates his desire to operate a station falling within the prohibitive terms of the endorsement, he may request in writing that such endorsement not be placed upon, or be removed from, his license, and may submit in support of his request any written comment or statement of himself or any interested party.

(3) An applicant who shows that he has theretofore performed satisfactorily the duties of a radio operator at a station required, directly or indirectly, by any treaty, statute, or rule or regulation pursuant to statute to be provided for safety purposes, during a period when he was afflicted by uncorrected physical handicaps of the same kind and

<sup>4</sup> This showing may be made by means of the service record appearing on the appropriate license document of the applicant or such other proof as may be appropriate under the circumstances of the particular case.



to the same degree as the physical handicaps shown by his current application," shall not be deemed to be within the provisions of subparagraph (1) of this paragraph.

**§ 13.6 Operator license, posting of.** The original license of each station operator shall be posted at the place where he is on duty, except as otherwise provided in this part or in the rules governing the class of station concerned.

**§ 13.7 Operators, place of duty.** (a) Except as may be provided in the rules governing a particular class of station, one or more licensed radio operators of the grade specified by this part shall be on duty at the place where the transmitting apparatus of each licensed radio station is located and in actual charge thereof whenever it is being operated: *Provided, however, That*, (1) subject to the provisions of paragraph (b) of this section, in the case of a station licensed for service other than broadcast, where remote control of the transmitting apparatus has been authorized to be used, the Commission may modify the foregoing requirements upon proper application and showing being made so that such operator or operators may be on duty at the control point in lieu of the place where the transmitting apparatus is located; (2) in the case of two or more stations, except amateur and broadcast, licensed in the name of the same person to use frequencies above 30 megacycles only, a licensed radio operator holding a valid radiotelegraph or radiotelephone first- or second-class license who has the station within his effective control may be on duty at any point within the communication range of such stations in lieu of the transmitter location or control point during the actual operation of the transmitting apparatus and shall supervise the emissions of all such stations so as to insure the proper operation in accordance with the station license.

(b) An operator may be on duty at a remote control point in lieu of the location of the transmitting apparatus in accordance with the provisions of paragraph (a) (1) of this section: *Provided*, That all of the following conditions are met: (1) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons; (2) the emissions of the transmitter shall be continuously monitored at the control point by a licensed operator of the grade specified for the class of station involved; (3) provision shall be made so that the transmitter can quickly and without delay be placed in an inoperative condition by the operator at the control point in the event there is a deviation from the terms of the station license; (4) the radiation of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

#### APPLICATIONS

**§ 13.11 Procedure—(a) General.** Applications shall be governed by appli-

<sup>10</sup> This showing may be made by means of the applicant's written, sworn statement or such other documentary proof as may be appropriate under the circumstances of the particular case.

cable rules in force on the date when application is filed." The application in the prescribed form and including all required subsidiary forms and documents, properly completed and signed, shall be submitted in person or by mail to the office at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for renewal of license, it may be filed at any time during the final year of the license term or during a one year period of grace after the date of expiration of the license sought to be renewed. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. A renewal application shall be accompanied by the license sought to be renewed. If the prescribed service requirements for renewal without examination are fulfilled, the renewed license may be issued by mail. If the service record on the reverse side of the license does not fully describe or cover the service desired by the applicant to be considered in connection with license renewal (as might occur in the case of service rendered at U. S. government stations), the renewal application shall be supported by documentary evidence describing in detail the service performed and showing that the applicant actually performed such service in a satisfactory manner.

(b) *Restricted radiotelephone operator permit.* No oral or written examination is required for this permit. If the application is properly completed and signed, and if the applicant is found to be qualified, the permit may be issued forthwith by personal delivery to the applicant or by mail.

**§ 13.12 Special provisions, radiotelegraph first class.** An applicant for the radiotelegraph first-class operator license must be at least 21 years of age at the time the license is issued and shall have had an aggregate of 1 year of satisfactory service as a radiotelegraph operator manipulating the key of a manually operated radiotelegraph station on board a ship or in a manually operated coastal telegraph station.

#### EXAMINATIONS

**§ 13.21 Examination elements.** Written examinations will comprise questions from one or more of the following examination elements:

**ELEMENT 1. Basic law.** Provisions of laws, treaties and regulations with which every operator should be familiar.

**ELEMENT 2. Basic operating practice.** Radio operating procedures and practices generally

<sup>11</sup> See § 13.28, footnote 18.

<sup>12</sup> Applications for renewal of licenses which expired between July 1, 1948, and September 1, 1949, may be filed during a period of one year commencing on September 1, 1949, and ending with August 31, 1950. Applications filed under this footnote shall be governed by applicable rules in force on the date when application is filed.

<sup>13</sup> See § 13.28

followed or required in communicating by means of radiotelephone stations.

**ELEMENT 3. Basic radiotelephone.** Technical, legal and other matters applicable to the operation of radiotelephone stations other than broadcast.

**ELEMENT 4. Advanced radiotelephone.** Advanced technical, legal and other matters particularly applicable to the operation of the various classes of broadcast stations.

**ELEMENT 5. Radiotelegraph operating practice.** Radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence.

**ELEMENT 6. Advanced radiotelegraph.** Technical, legal and other matters applicable to the operation of all classes of radiotelegraph stations, including operating procedures and practices in the maritime mobile services of public correspondence, and associated matters such as radio navigational aids, message traffic routing and accounting, etc.

**ELEMENT 7. Aircraft radiotelegraph.** Basic theory and practice in the operation of radio communication and radio navigational systems in general use on aircraft.

**ELEMENT 8. Ship radar techniques.** Specialized theory and practice applicable to the proper installation, servicing and maintenance of ship radar equipment in general use for marine navigational purposes.

**§ 13.22 Examination requirements.** Applicants for original licenses will be required to pass examinations as follows:

(a) Radiotelephone second-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1, 2, and 3.

(b) Radiotelephone first-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements: 1, 2, 3, and 4.

(c) Radiotelegraph second-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(d) Radiotelegraph first-class operator license:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(e) Radiotelephone third-class operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Written examination elements 1 and 2.

(f) Radiotelegraph third-class operator permit:

(1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of sixteen (16) code groups per minute.

<sup>14</sup> Effective at a date to be announced after June 1, 1950, but prior to January 2, 1951.



(3) Written examination elements: 1, 2, and 5.

(g) Restricted radiotelephone operator permit: No oral or written examination is required for this permit. In lieu thereof, applicants will be required to certify in writing to a declaration which states that the applicant has need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws and rules and regulations governing the authority granted under the requested permit; and understands that it is his responsibility to keep currently familiar with all such provisions.

§ 13.23 *Form of writing.* Written examination shall be in English and shall be written by the applicant in longhand in ink, except that diagrams may be in pencil.

§ 13.24 *Passing mark.* A passing mark of 75 percent of a possible 100 percent will be required on each element of a written examination.

§ 13.25 *New class, additional requirements.* The holder of a license, who applies for another class of license, will be required to pass only the added examination elements for the new class of license. However, no person holding a new, duplicate, or replacement restricted radiotelephone operator permit issued upon the basis of a declaration, or a renewed restricted radiotelephone operator permit which renews a permit issued upon the basis of a declaration, shall, by reason of the declaration or the issuance of the permit based thereon, be relieved of qualifying by examination on any phase of the subject matter of the declaration when applying for any other operator license or permit for which examination on any subject matter is required.

§ 13.26 *Cancelling and issuing new licenses.* If the holder of a license qualifies for a higher class in the same group, the license held will be canceled upon the issuance of the new license. Similarly, if the holder of a restricted operator permit qualifies for a first- or second-class operator license of the corresponding type, the permit held will be canceled upon issuance of the new license.

§ 13.27 *Eligibility for reexamination.* An applicant who fails an examination element will be ineligible for 2 months<sup>22</sup> to take an examination for any class of license requiring that element. Examination elements will be graded in the

order listed,<sup>23</sup> and an applicant may, without further application, be issued the class of license for which he qualifies.

§ 13.28 *Renewal service requirements, renewal examinations, and exceptions.* A restricted radiotelephone operator permit or an aircraft radiotelephone operator authorization is not renewable but must always be obtained as a new permit or authorization in each instance. A license of any other class may be renewed without examination provided that the service record on the reverse side of the license<sup>24</sup> shows at least two years of satisfactory service in the aggregate during the license term and while actually employed as a radio operator under that license. If this two year renewal service requirement is not fulfilled, but the service record shows at least one year<sup>25</sup> of satisfactory service in the aggregate during the last three years of the license term and while actually employed as a radio operator under that license, the license may be renewed upon the successful completion of a renewal examination, which may be taken at any time during the final year of the license term or during a one year period of grace after the date of expiration<sup>26</sup> of the license sought to be renewed. The renewal examination will consist of the highest numbered examination element normally required for a new license of the class sought to be renewed, plus the code test (if any) required for such a new license. If the renewal examination is not successfully completed before expiration of the aforementioned one year period of grace, the license will not be renewed on any basis.

#### CODE TESTS

§ 13.41 *Transmitting speed requirements.* An applicant is required to transmit correctly in the International Morse code for 1 minute at the rate of speed prescribed in this part for the class of license desired.

§ 13.42 *Transmitting test procedure.* Transmitting tests shall be performed by the use of the conventional Morse key except that a semi-automatic key, if furnished by the applicant, may be used in transmitting code tests of 25 words per minute.

§ 13.43 *Receiving speed requirements.* An applicant is required to receive the International Morse code by ear, and legibly transcribe, consecutive words or code groups for a period of 1 minute without

error at the rate of speed specified in the rules for the class of license for which the application is made.

§ 13.44 *Receiving test procedure.* Receiving code tests shall be written in long hand either in ink or pencil except that in the case of the 25 words per minute code test a typewriter may be used when furnished by the applicant.

§ 13.45 *Computing words or code groups.* Each five characters shall be counted as one word or code group. Punctuation marks or figures count as two characters.

#### SCOPE OF AUTHORITY

§ 13.61 *Operating authority.* The various classes of commercial radio operator licenses issued by the Commission authorize the holders thereof to operate radio stations, except amateur, as follows:<sup>27</sup>

(a) *Radiotelegraph first-class operator license.* Any station except—

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) On a cargo vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(4) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(1) Written examination element: 7.

(5)<sup>28</sup> At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided*, That nothing in this sub-paragraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The

<sup>22</sup> See § 13.21.

<sup>23</sup> See §§ 13.91 to 13.94.

<sup>24</sup> As a temporary exception, during the period September 1, 1949, through September 30, 1949, applications for renewal by renewal type examination will be considered upon the basis of showing of three months satisfactory service instead of one year during the last three years of the license term provided the renewal application is filed with the Commission or postmarked on or before September 30, 1949, and during the last year of the license term.

<sup>25</sup> With respect to licenses which expired between July 1, 1948, and September 1, 1949, the renewal examination (where required) may be taken during a period of one year commencing on September 1, 1949, and ending with August 31, 1950.

<sup>26</sup> A month after date is the same day of the following month, or if there is no such day, the last day of such month. This principle applies for other periods. For example, in the case of the 2-month period to which this note refers, an applicant examined December 1 may be reexamined February 1, and an applicant examined December 29, 30, or 31 may be reexamined the last day of February, while one examined February 28 may be reexamined April 23.

<sup>27</sup> For temporary authority granted holders of valid first and second class operator licenses, either radiotelephone or radiotelegraph, to perform adjustments, servicing and maintenance of ship radar stations licensed in the Ship Service, see footnote 71, § 8.195, of the Commission's rules governing ship service.

<sup>28</sup> Effective January 2, 1951.



supplementary examination shall consist of:

- (i) Written examination element: 8.  
(b) Radiotelegraph second-class operator license. Any station except—

(1) Stations transmitting television, or  
(2) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(3) On a passenger<sup>22</sup> vessel required by treaty or statute to maintain a continuous radio watch by operators or on a vessel having continuous hours of service for public correspondence, the holder of this class of license may not act as chief operator, or

(4) On a vessel (other than a vessel operated exclusively on the Great Lakes) required by treaty or statute to be equipped with a radiotelegraph installation, the holder of this class of license may not act as chief or sole operator until he has had at least 6 months' satisfactory service in the aggregate as a qualified radiotelegraph operator in a station on board a ship or ships of the United States.

(5) On an aircraft employing radiotelegraphy, the holder of this class of license may not operate the radiotelegraph station during the course of normal rendition of service unless he is at least eighteen (18) years of age and has satisfactorily completed a supplementary examination qualifying him for that duty, or unless he has served satisfactorily as chief or sole radio operator on an aircraft employing radiotelegraphy prior to February 15, 1950. The supplementary examination shall consist of:

(i) Transmitting and receiving code test at twenty-five (25) words per minute plain language and twenty (20) code groups per minute.

- (ii) Written examination element: 7.

(6)<sup>23</sup> At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided*, That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

- (i) Written examination element: 8.

(c) Radiotelegraph third class operator permit.<sup>24</sup> Any station except:

<sup>22</sup> A ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than 12 passengers. A cargo ship means any ship not a passenger ship.

<sup>23</sup> Effective January 2, 1951.

<sup>24</sup> The scope of authority of restricted radiotelegraph operator permits valid as of September 1, 1950 shall until the expiration of their current terms, remain unaffected by the amendment of paragraph (c) of this section set forth in the Commission's order dated June 27, 1950, and effective Sept. 1, 1950; and at the expiration of their current terms, such permits may, in accordance with the provisions of § 13.28, be renewed only as radiotelegraph third class operator permits.

(1) Stations transmitting television, or

(2) Any of the various classes of broadcast stations other than non-commercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(3) Coastal telephone stations (other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(4) Coastal harbor telephone stations (other than in the Territory of Alaska and other than when transmitting manual radiotelegraphy for identification or for testing) at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts, or

(6) Ship telegraph, coastal telegraph or marine-relay stations open to public correspondence, or

(7) Radiotelegraph stations on board a vessel required by treaty or statute to be equipped with a radio installation, or

(8) Aircraft stations while employing radiotelegraphy;

*Provided*, That (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved,<sup>25</sup> who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(d) Radiotelephone first-class operator license. Any station except—

(1) Stations transmitting telephony by any type of the Morse Code, or

<sup>25</sup> As determined by the scope of authority of the respective licenses as set forth in paragraphs (a), (b), (d) and (e) of this section and § 13.62.

(2) Ship stations licensed to use telephony and power in excess of 100 watts for communication with coastal telephone stations.

(3)<sup>26</sup> At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided*, That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

- (i) Written examination element: 8.  
(e) Radiotelephone second-class operator license. Any station except—

(1) Stations transmitting telephony by any type of the Morse Code, or

(2) Standard broadcast stations, or

(3) International broadcast stations, or

(4) FM broadcast stations, or

(5) Non-commercial educational FM broadcast stations with transmitter power rating in excess of 1 kilowatt, or

(6) Television broadcast stations licensed for commercial operation, or

(7) Ship stations licensed to use telephony and power in excess of 100 watts for communication with coastal telephone stations.

(8)<sup>27</sup> At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless he has satisfactorily completed a supplementary examination qualifying him for that duty and received a ship radar endorsement on his license certifying to that fact: *Provided*, That nothing in this subparagraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

- (i) Written examination element: 8.  
(f) Radiotelephone third-class operator permit. Any station except—

(1) Stations transmitting television, or

(2) Stations transmitting telephony by any type of the Morse code, or

(3) Any of the various classes of broadcast stations other than non-commercial educational FM broadcast stations using transmitters with power ratings of 10 watts or less, remote pickup broadcast stations and ST broadcast stations, or

(4) Coastal telephone stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts, or

(5) Coastal harbor telephone stations, other than in the Territory of Alaska, at which the power in the antenna of the

<sup>26</sup> Effective January 2, 1951.



unmodulated carrier wave is authorized to exceed 250 watts, or

(6) Ship stations or aircraft stations other than those at which the installation is used solely for telephony and at which the power in the antenna of the unmodulated carrier wave is not authorized to exceed 250 watts:

*Provided*, That, (1) Such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved,<sup>27</sup> who shall be responsible for the proper functioning of the station equipment, and (4) in the case of ship radiotelephone or aircraft radiotelephone stations when the power in the antenna of the unmodulated carrier wave is authorized to exceed 100 watts, any needed adjustments of the transmitter that may affect the proper operation of the station are made only by or under the immediate supervision and responsibility of an operator holding a first- or second-class radiotelegraph license, who shall be responsible for the proper functioning of the station equipment.

(g) *Restricted radiotelephone operator permit*. Any station except—

(1) Stations transmitting television, or  
(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(4) Coastal telephone stations or coastal harbor stations other than in the Territory of Alaska, or

(5) Ship stations licensed to use telephony for communication with coastal telephone stations;

(6)<sup>28</sup> At a ship radar station licensed in the Ship Service, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes. *Provided*, That, (1) Such operator is prohibited from making any adjustments

that may result in improper transmitter operation, and (2) the equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or in the presence of an operator holding a first- or second-class license, either radiotelephone or radiotelegraph, who shall be responsible for the proper operation of the equipment.

§ 13.62 *Special privileges*. In addition to the operating authority granted under § 13.61, the following special privileges are granted the holders of commercial radio operator licenses:

(a) The holder of any class of commercial radio operator license may operate any station in the experimental service while using frequencies solely above 300 megacycles.

(b) The holder of any class of radiotelephone operator license, whose license authorizes him to operate a station while transmitting telephony, may operate the same station when transmitting on the same frequencies, any type of telegraphy under the following conditions:

(1) When transmitting telegraphy by automatic means for identification, for testing, or for actuating an automatic selective signaling device, or

(2) When properly serving as a relay station and for that purpose retransmitting by automatic means, solely on frequencies above 50 megacycles, the signals of a radiotelegraph station, or

(3) When transmitting telegraphy as an incidental part of a program intended to be received by the general public, either directly or through the intermediary of a relay station or stations.

§ 13.63 *Operator's responsibility*. The licensed operator responsible for the maintenance of a transmitter may permit other persons to adjust a transmitter in his presence for the purpose of carrying out tests or making adjustments requiring specialized knowledge or skill, provided that he shall not be relieved thereby from responsibility for the proper operation of the equipment.

§ 13.64 *Obedience to lawful orders*. All licensed radio operators shall obey and carry out the lawful orders of the master or person lawfully in charge of the ship or aircraft on which they are employed.

§ 13.65 *Damage to apparatus*. No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 13.66 *Unnecessary, unidentified, or superfluous communications*. No licensed radio operator shall transmit unnecessary, unidentified, or superfluous radio communications or signals.

§ 13.67 *Obscenity, indecency, profanity*. No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 13.68 *False signals*. No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 13.69 *Interference*. No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 13.70 *Fraudulent licenses*. No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain an operator's license by fraudulent means.

#### MISCELLANEOUS

§ 13.71 *Issue of duplicate or replacement licenses*. (a) An operator whose license, permit or authorization has been lost, mutilated or destroyed shall immediately notify the Commission. A properly executed application for duplicate should be submitted to the office of issue, embodying a statement of the circumstances involved in the loss, mutilation or destruction of the license or permit for which a duplicate is desired. If the license or permit has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found either the original or the duplicate will be returned for cancellation. The applicant should also submit documentary evidence of the service that has been obtained under the original license or permit, or a statement under oath or affirmation embodying that information.

(b) The holder of any license, permit or authorization whose name is legally changed may make application for replacement document to indicate the new legal name, by submitting a properly executed application to the office of issue, accompanied by the license' permit or authorization affected and by documentary evidence of the legality of the name change.

§ 13.72 *Exhibiting signed copy of application*. When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal upon service or for an endorsement or a verification card, the operator shall exhibit in lieu of the original document a signed copy of the application, which has been submitted by him.

§ 13.73 *Verification card*. The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may, by filing a properly executed application accompanied by his license or permit, obtain a verification card.<sup>29</sup> This card may be carried on the person of the operator in lieu of the original license or permit when operating any station at which posting of an operator license is not required: *Provided*, That the license is readily accessible within a reasonable time for inspection upon demand by an authorized Government representative.

§ 13.74 *Posting requirements for operator*. (a) Performing duties other

<sup>27</sup> As determined by the scope of authority of the respective licenses as set forth in paragraphs (a), (b), (d) and (e) of this section and § 13.62.

<sup>28</sup> Effective January 2, 1951.

<sup>29</sup> Form 758-F.



than, or in addition to, service or maintenance, at two or more stations. The holder of any class of radio operator license or permit of the diploma form (as distinguished from the card form) who performs any radio operating duties, as contrasted with but not necessarily exclusive of service or maintenance duties, at two or more stations at which posting of his license or permit is required shall post at one such station his operator license or permit and shall post at all other such stations a duly issued verified statement.\*

(b) Performing service or maintenance duties at one or more stations. The holder of a radiotelephone or radiotelegraph first- or second-class radio operator license who performs, or supervises, and is responsible for service or maintenance work on any transmitter of any station for which a station license is required, shall post his license at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed: *Provided*, That in lieu of posting his license, he may have on his person either his license or a verification card: \* *And provided further*, That if he performs operating duties in addition to service or maintenance duties he shall, in lieu of complying with the foregoing provisions of this paragraph, comply with the posting requirements applicable to persons performing such operating duties, as set forth in paragraph (a) of this section and in the rules and regulations applicable to each service.

§ 13.75 *Record of service and maintenance duties performed.* In every case where a station log or service and maintenance records are required to be kept and where service or maintenance duties are performed which may affect the proper operation of a station, the responsible operator shall sign and date an entry in the log of the station concerned, or in the station maintenance records if no log is required, giving:

- (a) Pertinent details of all service and maintenance work performed by him or under his supervision;
- (b) His name and address; and
- (c) The class, serial number and expiration date of his license;

*Provided*, That the responsible operator shall not be subject to requirements in paragraphs (b) and (c) of this section in relation to a station, or stations of one licensee at a single location, at which he is regularly employed as an operator on a full time basis and at which his license is properly posted.

#### SERVICE

§ 13.91 *Endorsement of service record.* A station licensee, or his duly authorized agent, or the master of a vessel acting as the agent of a licensee, shall endorse the service record appearing on said operator license, showing the call letters and types of emission of the station operated, the nature and period of employment, and quality of performance of duty.

§ 13.92 *Aviation service endorsement.* If the operator has operated more than

three stations in the aviation service, the service may be shown by giving the name of the aviation chain or company in lieu of listing the call letters of the several stations.

§ 13.93 *Service acceptability.* Credit will be allowed only for satisfactory service obtained under conditions that required the employment of licensed operators, or when obtained at United States Government stations.

§ 13.94 *Statement in lieu of service endorsement.* The holder of a radiotelegraph license or a restricted radiotelegraph operator permit desiring an endorsement to be placed thereon attesting to an aggregate of at least 6 months' satisfactory service as a qualified operator on a vessel of the United States, may, in the event documentary evidence cannot be produced, submit to any office of the Commission a statement under oath accompanied by the license to be endorsed, embodying the following:

- (a) Names of ships at which employed;
- (b) Call letters of stations;
- (c) Types of emission used;
- (d) Type of service performed as follows:
  - (1) Manual radiotelegraph operation only; and
  - (2) Transmitter control only; or
  - (3) Combination of subparagraphs (1) and (2) of this paragraph running concurrently;
- (e) Whether service was satisfactory or unsatisfactory;
- (f) Period of employment;
- (g) Name of master, employer, licensee, or his duly authorized agent.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 50-6656; Filed, July 28, 1950; 8:49 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Corrected S. O. 851, Amdt. 1]

#### PART 95—CAR SERVICE

##### SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of July A. D. 1950.

Upon further consideration of Service Order No. 851 (15 F. R. 3486), and good cause appearing therefor: It is ordered, that:

Section 95.851 *Substitution of refrigerator cars for box cars* of Service Order No. 851 be, and it is hereby further amended by substituting the following paragraph (a) (1) for paragraph (a) (1) thereof:

(a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona or Nevada,

and destined to points in the States of Oregon, California, Arizona or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD or PFE ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

*Effective date.* This amendment shall become effective at 11:59 p. m., July 25, 1950.

It is further ordered, that a copy of this amendment and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-6646; Filed, July 23, 1950; 8:46 a. m.]

[S. O. 855, Amdt. 1]

#### PART 95—CAR SERVICE

##### REFRIGERATOR CARS AND STOCK CARS FOR TRANSPORTING ALFALFA MEAL OR ANY COMMODITY SUITABLE FOR MOVEMENT IN SUCH CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of July A. D. 1950.

Upon further consideration of Service Order No. 855 (15 F. R. 4771), and good cause appearing therefor: It is ordered, that:

Section 95.855 *Refrigerator cars and stock cars for loading alfalfa meal or any commodity suitable for movement in such cars* of Service Order No. 855 be, and it is hereby further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) Any common carrier by railroad subject to the Interstate Commerce Act, serving points in Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota, may at its option, furnish and transport, for each box car ordered, not more than two (2) refrigerator cars, unsuitable for transporting commodities requiring protective service, or not more than two (2) single deck stock cars 36 ft. or less in length for loading and transporting carload shipments of alfalfa meal or any other commodity suitable for movement in such cars at origins in and destined to points in Colorado, Kansas, Missouri, Nebraska, Iowa, Wyoming, and South Dakota, subject to the carload minimum weight which would

\* Form 759.



have applied if the shipment had been loaded in the box car ordered.

**Effective date.** This amendment shall become effective at 12:01 a. m., July 27, 1950.

It is further ordered, that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads sub-

scribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-6657; Filed, July 28, 1950;  
8:49 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Bureau of Animal Industry

##### [9 CFR, Part 92]

#### IMPORTATION OF CERTAIN ANIMALS AND POULTRY INTO U. S. (EXCEPT FROM MEXICO)

##### NOTICE OF PROPOSED AMENDMENT

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (21 U. S. C. 102-105), and section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), proposes to amend the regulations governing the importation of certain animals and poultry into the United States from countries other than Mexico (9 CFR Part 92, as amended) as follows:

1. The title of Part 92 would be changed to read "Part 92—Importation Into the United States of Certain Animals and Poultry and Certain Animal and Poultry Products (Except from Mexico)."

2. Section 92.4 would be amended by changing its heading to read "Permits for ruminants, swine, and poultry and for animal semen"; by redesignating the present provisions of the section as paragraph (a), headed "Ruminants, swine, and poultry"; and by adding to the section a new paragraph (b) to read as follows:

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Bureau. However, the Chief of Bureau, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American consulate in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks

immediately following, after which time the permit shall be void.

3. Paragraph (c) of § 92.20 would be amended to read as follows:

(c) *Brucellosis test certificates.* Cattle 6 months old or older, offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been tested for brucellosis (Bang's disease), with negative results, within 30 days preceding their being offered for entry. However, such cattle need not have been so tested if they are accompanied by a certificate, similarly issued or endorsed, showing that they were officially vaccinated as calves 6 to 8 months of age, in accordance with Canadian regulations, within 22 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall also show the date of vaccination of each animal.

4. Sections 92.19 and 92.23 would be amended by deleting the phrase "cattle, sheep, goats, and swine" wherever it appears therein and substituting therefor the phrase "cattle, sheep, goats, swine, and poultry."

5. Section 92.25 would be amended by deleting therefrom the phrase "cattle, sheep, and swine" and substituting therefor the phrase "cattle, sheep, swine, and poultry"; by deleting the word "or" preceding the figures "92.22 (a)"; and by adding after such figures the phrase "or 92.25a".

6. Section 92.25a would be amended to read as follows:

§ 92.25a *Poultry from Canada.* (a) All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned to a recognized slaughtering center for immediate slaughter.

The principal purposes of the proposed amendments would be (1) to provide for supervision over the importation of animal semen; (2) to provide slightly more liberal requirements for brucellosis test certificates for cattle, and health certificates for poultry and poultry products, imported from Canada; and (3) to make minor adjustments in several regulations because of the recent addition of poultry to the coverage of this part.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed amendments may do so by filing them with the Chief of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-6651; Filed, July 28, 1950;  
8:47 a. m.]

### Production and Marketing Administration

#### [7 CFR, Part 923]

##### [Docket No. AO-224]

#### HANDLING OF IRISH POTATOES GROWN IN PENNSYLVANIA

##### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Harrisburg, Pennsylvania, on May 22-24, 1950, pursuant to notice thereof in the FEDERAL REGISTER (15 F. R. 2418), upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in Pennsylvania.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 5, 1950, filed with the Hearing Clerk, United States Depart-



ment of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 4343). No exceptions to the recommended decision were filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-5930; 15 F. R. 4343) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein.

**Marketing agreement and order.** Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in Pennsylvania" and "Order Regulating Handling of Irish Potatoes Grown in Pennsylvania" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL] CHARLES F. BRANNAN,  
Secretary of Agriculture.

#### Order Regulating the Handling of Irish Potatoes Grown in Pennsylvania

Sec.  
923.0 Findings and determinations.

##### DEFINITIONS

923.1 Secretary.  
923.2 Act.  
923.3 Person.  
923.4 Production area.  
923.5 Potatoes.  
923.6 Handler.  
923.7 Ship.  
923.8 Producer.  
923.9 Fiscal year.  
923.10 Committee.  
923.11 Varieties.  
923.12 Seed potatoes.  
923.13 Table stock potatoes.  
923.14 Wholesale pack.  
923.15 Consumer pack.  
923.16 Grade.  
923.17 Export.  
923.18 District.  
923.19 Part and subpart.

##### COMMITTEE

923.22 Establishment and membership.  
923.23 Term of office.  
923.24 Districts.

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Sec.  
923.25 Nomination.  
923.26 Selection.  
923.27 Failure to nominate.  
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923.29 Vacancies.  
923.30 Alternate members.  
923.31 Procedure.  
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##### BUDGET, EXPENSES, AND ASSESSMENTS

923.40 Budget.  
923.41 Expenses.  
923.42 Rate of assessment.  
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923.44 Refunds.  
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923.46 Collection of funds.

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923.52 Recommendation for regulation.  
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923.70 Procedure.  
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##### MISCELLANEOUS PROVISIONS

923.80 Reports.  
923.81 Compliance.  
923.82 Right of the Secretary.  
923.83 Effective time.  
923.84 Termination.  
923.85 Proceedings after termination.  
923.86 Effect of termination or amendment.  
923.87 Duration of immunities.  
923.88 Agents.  
923.89 Derogation.  
923.90 Personal liability.  
923.91 Separability.  
923.92 Amendments.

AUTHORITY: §§ 923.0 to 923.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 923.0 Findings and determinations—  
(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Harrisburg, Pennsylvania, May 22-24, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the State of Pennsylvania. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary in order to give due recog-

nition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of the production area specified in this order would not effectively carry out the declared policy of the act;

(3) This order, and all of the terms and conditions of this order, will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest;

(4) This order regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held; and

(5) All handling of potatoes grown in the production area, within the production area or between the production area and any point outside thereof, is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

**Order relative to handling.** It is hereby ordered, pursuant to the findings and determinations set forth in § 923.0 hereof, and pursuant to the aforesaid act, that such handling of potatoes, as defined in this order shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of this order are as follows:

##### DEFINITIONS

§ 923.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States, or any officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 923.2 Act. "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricul-



## PROPOSED RULE MAKING

tural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051).

§ 923.3 *Person*. "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 923.4 *Production area*. "Production area" means all territory included within the boundaries of the State of Pennsylvania.

§ 923.5 *Potatoes*. "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 923.6 *Handler*. "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 923.7 *Ship*. "Ship" or "handle" means to transport, sell, or in any other way to place potatoes in the current of commerce within the production area, or between the production area and any point outside thereof: *Provided*, That the definition of "ship" or "handle" shall not include or be applicable to the sale or transportation of ungraded potatoes within the production area for storing, or to the sale or transportation of potatoes to a recognized dealer or packer within the production area for the purpose of having such potatoes prepared for market.

§ 923.8 *Producer*. "Producer" means any person engaged in the production of potatoes for market.

§ 923.9 *Fiscal year*. "Fiscal year" means the period beginning on June 1 of each year and ending May 31 following.

§ 923.10 *Committee*. "Committee" means the administrative committee, called the Pennsylvania Potato Committee, established pursuant to § 923.22.

§ 923.11 *Varieties*. "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 923.12 *Seed potatoes*. "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Pennsylvania or such other seed certification agencies as the Secretary may designate.

§ 923.13 *Table stock potatoes*. "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 923.14 *Wholesale pack*. "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

§ 923.15 *Consumer pack*. "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

§ 923.16 *Grade*. "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon;

(b) The United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(c) State of Pennsylvania Standards for Potatoes issued by the Secretary of Agriculture, State of Pennsylvania, or amendments thereto, or modifications thereof, or variations based thereon.

§ 923.17 *Export*. "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 923.18 *District*. "District" means each one of the geographical divisions of the production area established pursuant to § 923.24.

§ 923.19 *Part and subpart*. "Part" means the order regulating the handling of Irish potatoes grown in Pennsylvania, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such "part."

## COMMITTEE

§ 923.22 *Establishment and membership*. (a) The Pennsylvania Potato Committee, consisting of 23 members of whom 16 shall be producers and 7 shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer and resident in the respective district for which selected. Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler and resident in the district for which selected. Officers or employees of producers or handlers, respectively, can be selected as committee members or alternates in the districts for which selected if such selectees reside in the respective districts.

§ 923.23 *Term of office*. (a) The term of office of committee members and alternates shall be two fiscal years: *Provided*, That the terms of office of a majority of the initial members and their respective alternates shall be one fiscal year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 923.24 *Districts*. (a) For the purpose of selecting committee members

and alternates, the following districts of the production area are hereby established:

*District No. 1*. Shall include Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, Lebanon, Dauphin, York, Cumberland, Perry, Adams and Franklin Counties.

*District No. 2*. Shall include Berks, Lehigh, and Northampton Counties.

*District No. 3*. Shall include Schuylkill, Carbon, Luzerne, Columbia, Northumberland, Montour, Monroe, Lackawanna, Wyoming, Susquehanna, Bradford, Sullivan, Lycoming, Union, Snyder, Wayne and Pike Counties.

*District No. 4*. Shall include Cambria, Somerset, Bedford, Blair, Indiana, Armstrong, Butler, Mercer, Lawrence, Beaver, Allegheny, Washington, Greene, Fayette, Westmoreland, Fulton, Huntingdon, Juniata, Mifflin, Centre, Clinton, and Clearfield Counties.

*District No. 5*. Shall include Potter, Tioga, McKean, Cameron, and Elk Counties.

*District No. 6*. Shall include Erie, Warren, Crawford, Venango, Forest, Clarion, and Jefferson Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production, of existing districts; (3) the geographic locations of areas of production, insofar as they affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members and alternates, or in the total number of districts.

§ 923.25 *Nomination*. The Secretary may select the members of the committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial committee members and alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(b) In order to provide nominations for succeeding committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of producers in each of the districts designated in § 923.24, in which producer committee vacancies will occur at the end of the then current fiscal year. In like manner, the committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of handlers to nominate handler committee members and alternates to fill vacancies which will occur at the end of the then current fiscal year.

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant or which is to



become vacant at the end of the then current fiscal year.

(3) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year.

(4) Only producers may participate in designating nominees for producer committee members and alternates and only handlers may participate in designating nominees for handler committee members and alternates. For the purpose of designating nominees for handler committee members and alternates, a handler shall be considered to be a person who produces not more than 50 percent of the total volume of potatoes handled by himself; each person who is both a handler and a producer may vote either as a handler or as a producer and may elect, subject to such 50 percent limitation, the group in which he votes.

(5) Each producer and each handler of potatoes is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, for producer or handler committee members and alternates, respectively: *Provided*, That producers and handlers operating in more than one district shall elect the district in which they will participate in nominating committee members and alternates: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 923.26 *Selection*. The Secretary shall select three producer members of the committee, with their respective alternates, from District Nos. 1 and 3; four producer members of the committee, with their respective alternates, from District No. 2; and two producer members, with their respective alternates, from each of the remaining districts, as such districts are defined in § 923.24. The Secretary shall select two handler members of the committee, with their respective alternates, from District No. 2; and one handler member of the committee, with his respective alternate, from each of the remaining districts, as such districts are defined in § 923.24.

§ 923.27 *Failure to nominate*. If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 923.25, the Secretary may select the committee members and alternates without regard to nominations, which selection shall be on the basis of the representation provided for in § 923.26.

§ 923.28 *Acceptance*. Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 923.29 *Vacancies*. To fill any vacancy occasioned by the failure of any person selected as a committee member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member

or alternate, a successor for his unexpired term may be selected from nominations made in the manner specified in § 923.25, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 923.26.

§ 923.30 *Alternate members*. An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 923.31 *Procedure*. (a) Twelve members, including at least one handler member of the committee, shall be necessary to constitute a quorum, and 12 concurring votes, including the vote of at least one handler, shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meetings by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That all votes shall be cast in person at assembled meetings.

§ 923.32 *Expenses and compensation*. Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending to committee business.

§ 923.33 *Powers*. The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 923.34 *Duties*. It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers for each fiscal period as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities, which relate to the handling or marketing of potatoes, as may be approved by the Secretary;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

#### BUDGET, EXPENSES, AND ASSESSMENTS

§ 923.40 *Budget*. The committee shall prepare a budget for each fiscal year, showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The committee shall transmit such budget to the Secretary, together with a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 923.41 *Expenses*. The Committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget and other available information, finds may be necessary during each fiscal year to perform its functions under this part and for such other purposes as may be appropriate pursuant to the provisions of this part.

§ 923.42 *Rate of assessment*. The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary, upon the basis of the committee's recommendation, or other available information. Each handler who first ships potatoes shall pay assessments to the committee, upon demand, which assessments shall be such handler's pro rata share of the expenses which will be appropriately incurred by the committee during each fiscal year.



## PROPOSED RULE MAKING

Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 923.43 *Increasing rate of assessment.* Upon recommendation of the committee, or upon the basis of a later finding relative to the committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which shall be appropriately incurred. Such increase shall be applicable to all potatoes handled during the given fiscal year.

§ 923.44 *Refunds.* If at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 923.45 *Accounting.* All funds received by the committee, pursuant to any provision of this part, shall be used solely for the purposes specified in this part and shall be accounted for in the following manner:

(a) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 923.46 *Collection of funds.* (a) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(b) In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

## REGULATION

§ 923.50 *Marketing policy preparation.* Prior to the beginning of shipments each season, the committee shall consider and prepare a proposed policy for the marketing of potatoes during such season or portion thereof. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes, giving appropriate consideration to:

(a) Market prices of potatoes, including prices by grade, size, and quality, in wholesale or consumer packs, or any other shipping unit;

(b) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(c) The trend and level of consumer income; and

(d) Other relevant factors.

§ 923.51 *Marketing policy report.* (a) The committee shall submit to the Secretary a report setting forth the aforesaid marketing policy; a copy of such report shall be made available to producers and handlers.

(b) In the event it becomes advisable to deviate from such marketing policy, because of changed supply or demand conditions, the committee shall formulate a new marketing policy in the manner outlined in § 923.50, which shall be submitted to the Secretary and made available to producers and handlers.

§ 923.52 *Recommendation for regulations.* The committee shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 923.53, will tend to effectuate the declared policy of the act. The committee may also recommend modification, suspension, or termination of regulations in order to facilitate shipments of potatoes for the specified purposes set forth in § 923.54.

§ 923.53 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such limitation may:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or quality of any or all varieties of potatoes during any period;

(b) Regulate the shipment of particular grades, sizes, or quality of potatoes differently for different varieties, for different portions of the production area, for consumer and wholesale packs, or any combination of the foregoing, during any period;

(c) Regulate the shipment of potatoes by establishing and maintaining, in terms of grades, sizes, or both, minimum standards of quality and maturity.

§ 923.54 *Modification, suspension or termination.* The Secretary, whenever he finds upon the basis of recommendations and information submitted by the committee, or other available information, that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof, in order to facilitate shipments of potatoes for the following purposes:

(a) For seed;

(b) For export;

(c) For distribution by the Federal Government, for distribution by relief agencies, or for consumption by charitable institutions;

(d) For manufacture or conversion into specified products;

(e) For livestock feed;

(f) For other purposes which may be specified.

§ 923.55 *Minimum quantity regulation.* The Secretary may establish, upon the basis of a committee recommendation, or other available information, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 923.42, 923.43, 923.53, 923.65, or any combination thereof.

§ 923.56 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued, or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 923.57 *Safeguards.* (a) The committee may recommend and the Secretary, upon the basis of such recommendation, or other available information, may prescribe adequate safeguards to prevent shipments effected pursuant to § 923.54 and § 923.55, from entering channels of trade for other than the specific purposes authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 923.54 and § 923.55;

(2) Handlers shall obtain inspection required by § 923.65, or pay the pro rata share of expenses provided by §§ 923.42, and 923.43, or both, in connection with potato shipments effected under the provisions of § 923.54 and § 923.55: *Provided*, That such inspection, or payment of expenses, or both may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 923.54 and § 923.55.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that potatoes shipped by him for the purposes stated in § 923.54 and § 923.55 were handled contrary to the requirements applicable thereto.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

## INSPECTION

§ 923.65 *Inspection and certification.* During any period in which shipments of potatoes are regulated pursuant to the provisions of §§ 923.42, 923.43, or 923.53, or any combination thereof, no handler shall ship potatoes unless, prior thereto, such shipment was inspected by an authorized representative of the Federal-



State Inspection Service, or such other inspection service as the Secretary shall designate. Each handler procuring inspections pursuant to this section, shall make arrangements with the inspecting agency to forward promptly to the committee a copy of the inspection certificate: *Provided*, That the regrading, resorting, repacking, or other further preparation of inspected potatoes for market shall invalidate prior inspection thereon and subsequent shipment of such potatoes after regrading, resorting, repacking, or other preparation for market shall not be effected unless, prior thereto, such shipment is inspected as provided in this section.

#### EXEMPTIONS

§ 923.70 *Procedure*. The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 923.71 *Granting exemptions*. (a) The committee may issue certificates of exemptions to any producer who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling, or causing to be handled, as large a proportion of his production as the average proportion of production handled, or caused to be handled, during the entire season (or such portion thereof as may be determined by the committee) by all producers in said applicant's immediate area of production, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each such certificate shall permit the producer to handle, or cause to be handled, the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee that, by reason of a regulation issued pursuant to § 923.53, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of transportation or sale.

(c) The committee shall be permitted, at any time, to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 923.72 *Appeal*. If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said appli-

cant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 923.73 *Records and reports and review of exemptions*. (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such additional information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 923.70, 923.71, 923.72, or any combination thereof.

#### MISCELLANEOUS PROVISIONS

§ 923.80 *Reports*. Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this part. Handlers shall maintain records from which such reported information can be verified by the committee. The Secretary shall have the right to modify, change, or rescind any requests for reports made pursuant to this section.

§ 923.81 *Compliance*. Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

§ 923.82 *Right of the Secretary*. The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 923.83 *Effective time*. The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 923.84 *Termination*. (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 923.85 *Proceedings after termination*. (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of, or under control of, the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 923.86 *Effect of termination or amendment*. Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect



or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 923.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 923.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 923.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary, or of the United States, to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 923.90 *Personal liability.* No member or alternate member of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 923.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 923.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 50-8666; Filed, July 28, 1950; 8:51 a. m.]

## [ 7 CFR, Part 923 ]

### HANDLING OF IRISH POTATOES GROWN IN PENNSYLVANIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS, DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM, AND DETERMINATION OF A REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), it

is hereby directed that a referendum be conducted among producers in the State of Pennsylvania who, during the 1949 crop year (which period for the purpose of such referendum is hereby determined to be (1) the period June 1, 1949, to May 31, 1950, and (2) a representative period) were engaged in the production of Irish potatoes for market, to determine whether such producers favor the issuance of an order regulating the handling of Irish potatoes grown in Pennsylvania, a copy of which is attached to the decision of the Secretary of Agriculture<sup>1</sup> filed simultaneously herewith.

A. C. Cook, O. H. Chapin, John Rivoire, R. L. Hawes, and M. F. Miller, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with such referendum.

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid marketing order, on forms furnished by the Department of Agriculture. A cooperative association of producers, bona fide engaged in marketing potatoes grown in the State of Pennsylvania, or in rendering services for or advancing the interests of producers of such potatoes, may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in paragraph (a) (3) hereof, (i) of the time determined by such agents during which the referendum will be conducted; (ii) that any ballot may be cast by mail; (iii) that all ballots so cast must be addressed to O. H. Chapin, c/o Pennsylvania State PMA Committee, 923 North Third Street, Harrisburg, Pennsylvania; and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in Pennsylvania; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each producer, and to each cooperative marketing association, whose name and address is known to such agents; and (iii) by such other means as said referendum agents may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meeting; and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of any meetings authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as practicable by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given; (ii) a register containing the name and address of each producer and each cooperative association of producers from whom an executed ballot was received; (iii) all of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period; (iv) a statement showing when and where each notice of referendum was posted and the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and (v) a detailed statement indicating the method used in giving publicity to such referendum.

(9) By appointing any county agricultural agent, and by authorizing the chairman of the State Production and Marketing Administration committee in the State of Pennsylvania to appoint any member or members of a county Production and Marketing Administration committee in the State of Pennsylvania and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized by the said referendum agents, or any of them, to perform any or all of the functions set forth in subparagraphs (5), (6), (7), and (8) of paragraph (a) hereof in accordance with the requirements herein set forth.

(b) Upon receipt by the referendum agents, of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, they shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the ex-

<sup>1</sup> See F. R. Doc. 50-8666, *supra*.



tent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such chal-

lenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid marketing order may be examined in the Office of the Hearing Clerk, United States Depart-

ment of Agriculture, Washington, D. C., and at the county Production and Marketing Administration Office in each of the counties in the State of Pennsylvania.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 26th day of July 1950.

[SEAL]

CHARLES F. BRANNAN,  
Secretary of Agriculture.

[F. R. Doc. 50-6667; Filed, July 28, 1950;  
8:51 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

##### ARIZONA

#### SPECIAL RULE FOR THE ADMINISTRATION OF CERTAIN LANDS IN ARIZONA GRAZING DISTRICT NO. 4

A proper factual showing of its necessity having been made by the Regional Administrator, the following special rule is prescribed for the Fan and Murchison Units of Arizona Grazing District No. 4, pursuant to authority vested in me by section 2 of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315a), as amended, and in accordance with the provisions of 43 CFR 161.15:

(a) The areas affected by this special rule are described as follows:

##### GILA AND SALT RIVER MERIDIAN

##### Fan Unit:

T. 11 S., R. 29 E.,

Secs. 21 to 28,

Secs. 33 to 36;

T. 12 S., R. 29 E.,

Sec. 1,

Sec. 2, N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , that part north and east of a range fence crossing diagonally from a point near the northwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$  to a point near the southeast corner of the said SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said sec. 2.

##### Murchison Unit:

T. 12 S., R. 29 E.,

Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , that part south and west of said range fence,

Secs. 3 to 17,

Secs. 20 to 29,

Secs. 33 to 36;

T. 13 S., R. 29 E.,

Secs. 1 to 3,

Sec. 4, E $\frac{1}{2}$ ,

Sec. 9, E $\frac{1}{2}$ ,

Secs. 10 and 11;

T. 12 S., R. 30 E.,

Secs. 7 and 8,

Sec. 9, that part south and west of a range fence crossing diagonally from the northwest corner of said sec. 9 in a southeasterly direction to the southeast corner of sec. 13 of said T. 12 S., R. 29 E.,

Sec. 10, that part south and west of said range fence,

Sec. 13, that part south and west of said range fence,

Sec. 14, that part south and west of said range fence,

Secs. 15 to 36;

T. 13 S., R. 30 E.,  
Secs. 1 to 6.

(b) As to the granting of grazing privileges on the Federal range, within the Fan and Murchison Units, including the Government acquired lands therein, the ownership or control of private lands within the San Simon Land Utilization Project area shall be considered as base property within the meaning of 43 CFR 161.4, preference being given to lands heretofore recognized and determined to be qualified and in the same proportion to grazing preferences established under the Land Management Plan of October 24, 1945, a copy of which is on file in the office of the Range Manager, Arizona Grazing District No. 4, Safford, Arizona. Such base property may include such lands used either for grazing or for agricultural purposes but need not be used directly by the permitted livestock, provided such lands constitute an integral part of the agricultural economy of the applicant.

WILLIAM ZIMMERMAN, Jr.,  
Acting Director.

Approved: JULY 21, 1950.

DALE E. DOTY,

Assistant Secretary of the Interior.

[F. R. Doc. 50-6635; Filed, July 28, 1950;  
8:45 a. m.]

### DEPARTMENT OF LABOR

#### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

##### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates,

occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations (29 CFR 522.160 to 522.165; as amended, January 25, 1950 (15 F. R. 399)).

Brooke Manufacturing Corp., 57 Cove Street, New Bedford, Mass., effective 7-13-50 to 7-25-50; 10 percent normal labor turnover (dresses, skirts and amocks).

Connie Blouse Co., Main Street, Roseto, Pa., effective 7-14-50 to 12-31-50; 4 learners (blouses).

Dolores Manufacturing Co., Inc., 57 Main Street, Haverstraw, N. Y., effective 7-14-50 to 12-31-50; 10 percent normal labor turnover (blouses and skirts).

Glenrose Manufacturing, Inc., 39-41-43 Main Street, Haverstraw, N. Y., effective 7-14-50 to 7-25-50; 10 percent normal labor turnover (blouses).

Hazelton-McAdoo Sportswear Co., 313-319 West Twentieth Street, Hazelton, Pa., effective 7-17-50 to 3-31-51; 10 percent normal labor turnover (sportswear).

Jewel Togs, Inc., Ninth and Wright Streets, Columbia, Pa., effective 7-14-50 to 7-25-50; 10 percent normal labor turnover (children's sportswear).

Jo-Art Manufacturing Co., 50 Prospect Street, New Bedford, Mass., effective 7-14-50 to 7-25-50; 10 percent normal labor turnover (children's cotton garments).

The Johnson Co., Box 303, Marshfield, Wis., effective 7-13-50 to 12-31-50; 6 learners (men's jackets and shirts).

Keystone Sportswear Co., 154-156 Garibaldi Street, Roseto, Pa., effective 7-17-50 to 12-31-50; 2 learners (blouses).

Little Prince, Inc., Third and Cedar Streets, Columbia, Pa., effective 7-13-50 to 12-31-50; 10 percent normal labor turnover (infant's and children's outerwear).

Nevada Manufacturing Co., 65 Hiway and Rhinehart Road, Pine Bluff, Ark., effective 7-10-50 to 7-25-50; 10 percent normal labor turnover (work garments).

Schramm & Schmieg Co., 200 North Fourth Street, Burlington, Iowa, effective 1-25-50 to 12-31-50; 4 learners (pants, overalls, etc.) (replacement certificate).



Sewell Manufacturing Co., Bremen, Haralson County, Ga., effective 7-17-50 to 1-16-51; 7 percent of productive factory force (men's and boy's clothing).

Hosiery Learner Regulations (29 CFR 522.40 to 522.51; as revised January 25, 1950 (15 F. R. 283)).

Gilbert Knitting Co., Inc., Little Falls, N. Y., effective 7-10-50 to 7-9-51; six learners. Nu-Vogue Hosiery Mills, Inc., Graham, N. C.; supplemental certificate; effective 7-7-50 to 6-30-51; three learners.

Senorita Hosiery Mills, Inc., Gurabo, Puerto Rico, effective 7-1-50 to 6-30-51; 16 learners for expansion purposes.

Trumpet Hosiery Co., Inc., Traubauersville, Pa., effective 7-10-50 to 7-9-51; five learners.

Independent Telephone Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950 (15 F. R. 398)).

Lincoln Telephone Co., Troy exchange, Troy, Mo., effective 7-15-50 to 12-31-50.

Milledgeville Mutual Telephone Co., Milledgeville exchange, Milledgeville, Ill., effective 7-15-50 to 12-31-50.

Glove Learner Regulations (29 CFR 522.220 to 522.222, as amended January 25, 1950 (15 F. R. 400)).

Dinberg Glove Corp., 215 Gilbert Street, Ogdensburg, N. Y., effective 7-18-50 to 8-31-51; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Acro Switch Division of Acro Manufacturing Co., Columbus, Ohio, effective 7-25-50 to 1-24-51; 10 percent of total number of factory workers (not including sales or office personnel); switch maker, 480 hours 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (precision snap switches).

American Decorative Flower Co., Inc., Baltimore, Md., effective 7-6-50 to 1-5-51; 15 percent of the total number of workers engaged in authorized learner occupations, or five learners, whichever is the greater in number; only in the occupation of flower maker, including the following operations: Slipping-up, heading, tying, pasting, rose-making, branching, and stemming, 160 hours, 60 cents per hour (artificial flowers and feathers).

Ames Safety Envelope Co., Somerville, Mass., effective 7-26-50 to 1-25-51; five learners; basic all-round training in hand and machine envelope making, 640 hours, 60 cents per hour for the first 480 hours and 65 cents per hour for the remaining 160 hours (specialty and expanding envelope).

Archer & Smith, Inc., Lexington, Ky., effective 7-25-50 to 1-24-51; 10 percent of total productive factory force (not including sales or office personnel); machine operators, 960 hours, 55 cents per hour for the first 320 hours, 60 cents per hour for the next 320 hours and 65 cents per hour for the remaining 320 hours (cutting tools).

Artcraft Mantel Co., Englewood, Tenn., effective 7-25-50 to 1-24-51; 14 learners; sander, 320 hours; finisher, 320 hours; machine operator, 320 hours; assembler, 320 hours; 60 cents (furniture).

Benedict Bedspread Co., Macon, Ga., effective 7-11-50 to 1-10-51; 10 percent of total productive factory force, or 10 learners, if less than 100 productive factory workers are employed; machine operating, hand sewing, and finishing operations involving hand sewing, 320 hours; punch work operators, 640 hours; electric embroidery, 640 hours; machine operating, hand sewing, and finishing operations involving hand sewing; 55 cents per hour for the first 160 hours and 65 cents per hour for the remaining 160 hours; punch

work operators and electric embroidery, 55 cents per hour for the first 320 hours and 65 cents per hour for the remaining 320 hours (chenille robes, bedspreads, etc.).

Berol Pen Co., Waynesboro, Va., effective 7-7-50 to 12-6-50; four learners; pencil machine operators, 80 hours; assemblers, 80 hours; 70 cents per hour for machine operators and 65 cents per hour for assemblers (lead and wood pencils).

Canvas Products Corp., Fond du Lac, Wis., effective 7-13-50 to 1-12-51; 10 percent of the productive factory force; sewing machine operator on gym suits, uniforms and shop aprons, 480 hours; sewing machine operators on laundry cases, and other textile industry products, 240 hours; 55 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours in the 480 hour occupation and not less than 60 cents per hour in the 240 hour occupations (awnings, canvas goods, etc.).

Crise Controls Division of Acro Manufacturing Co., Columbus, Ohio, effective 7-11-50 to 1-10-51; 10 percent of total productive factory workers (not including sales or office workers); assembler, 480 hours, 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (electric motors).

Diamond Braiding Mills, Inc., Tarpon Springs, Fla., effective 7-7-50 to 12-6-50; 10 learners; shoe lace pairing, 240 hours, 60 cents for the first 160 hours and 65 cents for the remaining 80 hours (shoe laces and narrow fabrics).

Electrical Reactance Corp., Olean, N. Y., effective 7-10-50 to 1-9-51; 300 learners; condenser maker, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (ceramic condensers).

General Shoe Lacing Co., Louisville, Ky., effective 7-7-50 to 12-6-50; four learners; shoe lace pairing, 240 hours, 60 cents for the first 160 hours and 65 cents for the remaining 80 hours (shoe laces, braids).

Kendrick & Davis Co., Lebanon, N. H., effective 7-12-50 to 1-11-51; three learners; machine operators, 480 hours, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours (watchmaker's tools and small electric motors).

Nevada Manufacturing Co., Pine Bluff, Ark., effective 7-10-50 to 1-9-51; three learners; sewing machine operators on sheets, pillow cases (and other cotton textile products), 240 hours, 60 cents per hour (sheets and pillow cases).

Ordill Industries, Inc., Ordill, Ill., effective 7-12-50 to 1-11-51; four learners; woodworking machine operators, 480 hours; finishers, 320 hours; assemblers, 320 hours; woodworking machine operators, 60 cents per hour for the first 320 hours and 65 cents per hour for the remaining 160 hours; finishers and assemblers, 60 cents per hour for 320 hours (television tables and cabinets).

St. Louis Braid Co., St. Louis, Mo., effective 7-7-50 to 12-6-50; 10 learners; shoe lace pairing, 240 hours, 60 cents per hour for the first 160 hours and 65 cents per hour for the remaining 80 hours (shoe laces and braids).

South Shore Packing Co., Vermilion, Ohio, effective 7-12-50 to 1-11-51; 10 percent of total productive factory force (not including sales or office personnel); olive packers, 240 hours, 60 cents per hour (olive packing).

The following special learner certificates were issued to the school-operated industries listed below:

Southwestern Junior College, Keene, Tex., effective 1-25-50 to 9-15-50; College press; composition, press bindery, 10 learners; chenille factory, sewing machine operators, and related operations, 14 learners; college mill, assembling, wrapping, machine work, office, 40 learners; clerical workers, typing, filing, bookkeeping, stenography, 10 learn-

ers; bindery, casing, sawing, stamping, 15 learners; 250 hours at 45 cents per hour, 250 hours at 50 cents per hour, 250 hours at 60 cents per hour (reissued certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available except that employers of student-workers employed in school-operated industries were not required to certify to the non-availability of experienced workers. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of July 1950.

ISABEL FERGUSON,  
Authorized Representative of  
the Administrator.

[F. R. Doc. 50-6636; Filed, July 25, 1950;  
8:45 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1398]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On May 25, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 10, 1950 (15 F. R. 3676).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 8, 1950, at 9:45 o'clock a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented



by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 50-6642; Filed, July 28, 1950;  
8:45 a. m.]

[Docket No. G-1403]

ARKANSAS LOUISIANA GAS CO.  
ORDER FIXING DATE OF HEARING

On May 31, 1950, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection. Public notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on June 7, 1950 (15 F. R. 3531).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 11, 1950, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 50-6643; Filed, July 28, 1950;  
8:46 a. m.]

[Docket No. G-1419]

PRINCE GEORGES GAS CORP.  
ORDER FIXING DATE OF HEARING

On June 12, 1950, Prince Georges Gas Corporation (Applicant), a Maryland corporation having its principal place of

business at Chillum, Prince Georges County, Maryland, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1950 (15 F. R. 4148).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 3, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 50-6644; Filed, July 28, 1950;  
8:46 a. m.]

[Docket No. G-1421]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

On June 13, 1950, Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, and for permission and approval to abandon and remove certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of

the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1950 (15 F. R. 4149).

Temporary authorization to construct and operate and to abandon and remove the requested facilities was granted by the Commission on July 17, 1950.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on August 16, 1950, at 9:45 o'clock a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 50-6645; Filed, July 28, 1950;  
8:46 a. m.]

NORTH COUNTIES HYDRO-ELECTRIC CO.

ORDER TO SHOW CAUSE AND FIXING DATE FOR HEARING

North Counties Hydro-Electric Company ("North Counties") owns and operates a hydroelectric project on the Fox River in La Salle County, Illinois, under a 50-year license from the Federal Power Commission issued April 11, 1924. As set forth in detail below, North Counties has failed to file certain required reports on FPC Form Nos. 1-B, 7, 8 and 97, at the times prescribed and at any time, and required annual statements of earnings beginning with the twenty-first year of operation.

North Counties, according to the Commission's records, has failed to file the following reports and statements:

(1) An Annual Report on FPC Forms Nos. 97 or 1-B, in complete or substantially complete form, for every year for which such reports were prescribed. Annual Reports were required to be filed on or before March 31 of each year. In accordance with the Commission's practice, copies of the appropriate annual report form were sent to North Counties at the close of each filing year or the begin-



ning of the next year, under covering letter explaining the filing requirements, and, when the reports were not filed, follow-up letters were sent to North Counties requesting compliance.

(2) Statement of Actual Legitimate Original Cost of Construction on FPC Form No. 7, which was required to be filed on or before January 8, 1947, by the Commission's order issued November 7, 1946 (5 FPC 692) determining the actual legitimate original cost of the project as of December 31, 1925. FPC Form No. 7 was first prescribed as FPC Form No. 76 by the Commission's order of June 7, 1933, for the purpose of reporting actual legitimate original cost after determination thereof by the Commission. After service of the Commission's order on November 7, 1946, the filing requirement was again called to North Counties' attention by letter of March 18, 1947.

(3) Reports of claimed increases and decreases in licensed project plant accounts on FPC Form No. 8, originally prescribed by the Commission's order of June 7, 1933, as FPC Form No. 75, and required to be filed by North Counties on or before March 31, 1947, for the period from January 1, 1926, the time as of which the Commission determined the actual legitimate original cost of the project, to December 31, 1946, the year of the Commission's order determining cost, and on March 31 of 1948, 1949 and 1950 for the calendar years 1947 through 1949. The requirement for filing these reports on the prescribed form was called to North Counties attention in letters dated as follows, enclosing copies of the form: December 5, 1946 for the period January 1, 1926 to December 31, 1946; December 31, 1947 for the year 1947; January 14, 1949 for the year 1948; and January 26, 1950 for the year 1949. In follow-up letters of April 25, 1947, June 16, 1947, March 18, 1949 and May 5, 1949, North Counties was repeatedly requested to file the reports as required by the Commission's rules.

(4) Statements of earnings for the period April 1, 1945, when the twenty-first year of operation commenced, to December 31, 1945, and for the calendar years 1946 through 1949, in connection with the creation of amortization reserves pursuant to section 10 (d) of the Federal Power Act. The first report was due on or before March 1, 1946, and the succeeding statements on March 1 of each year thereafter for each preceding year.

It therefore appears that North Counties has not only failed to file the reports and statements described above as required by the Commission's orders and regulations but though repeatedly advised of the requirements for filing has without exception, according to the records of the Commission, ignored such notices and requests.

The Commission orders:

(A) A public hearing be held commencing September 18, 1950, at 10 a. m., e. d. s. t., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., at which hearing North Counties shall show cause, if any there be, why the Commission should not—

(i) Find and determine that North Counties has failed to comply with the provisions of the Federal Power Act, of orders, rules and regulations promulgated thereunder, and of the license issued April 11, 1924, requiring the filing of the reports and statements as enumerated in paragraphs (1) through (4) above.

(ii) Find and determine that it is necessary or appropriate to enable the Commission to carry out the provisions of the act to require North Counties to file the reports and statements enumerated above within a reasonable time to be fixed by the Commission.

(iii) Find and determine that North Counties in failing to file the reports and statements enumerated above has willfully and knowingly violated the Federal Power Act;

(iv) Issue such other orders as may be necessary or appropriate to carry out the provisions of the act, initiate proceedings to bring about compliance with the act and the rules and regulations issued thereunder, transmit evidence of violation of the license, the act, and regulations and orders promulgated under the act, to the Attorney General for institution of proceedings for revocation of the license and of other appropriate proceedings, and take such other steps as may be appropriate under the act.

(B) Nothing contained in this order shall be construed as a waiver or stay of any of the orders of the Commission which may be applicable to the licensee.

(C) Interested State commissions may participate in the hearing ordered herein, as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: July 25, 1950.

By the Commission.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 50-6650; Filed, July 28, 1950;  
8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25276]

GYPSON PRODUCTS FROM AND TO THE  
SOUTHWEST

APPLICATION FOR RELIEF

JULY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Metal accessories in mixed carloads with gypsum and plaster products.

From and to points in the southwest to and from interstate points.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates:

D. Q. Marsh's tariffs I. C. C. Nos. 3706, 3411 and 3798, Supplements 60, 96 and 21, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-6647; Filed, July 28, 1950;  
8:46 a. m.]

[4th Sec. Application 25277]

AUTOMOBILE BODIES FROM MARION, OHIO,  
TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

JULY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Acting Agent, for and on behalf of carriers parties to the tariffs named in the application, pursuant to fourth-section order No. 9300.

Commodities involved: Automobile bodies, passenger, carloads.

From: Marion, Ohio.

To: Detroit, Mich., South Bend, Ind., North Chicago and Waukegan, Ill.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-6648; Filed, July 28, 1950;  
8:46 a. m.]



[4th Sec. Application 25278]

VARIOUS COMMODITIES FROM, TO AND  
BETWEEN POINTS IN THE SOUTH

## APPLICATION FOR RELIEF

JULY 26, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 981, pursuant to fourth-section order No. 9803.

Commodities involved: Various commodities.

From, to and between points in the South.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 50-6549; Filed, July 28, 1950;  
8:47 a. m.]

SECURITIES AND EXCHANGE  
COMMISSION

[File No. 70-2429]

MICHIGAN-WISCONSIN PIPE LINE CO.

## ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1950.

Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 (a) (2) promulgated thereunder, with respect to the following transactions:

Michigan-Wisconsin proposes to enter into a credit agreement with certain banks hereinafter named, which will commit such banks to lend Michigan-Wisconsin, from time to time upon demand prior to June 30, 1951, sums aggregating a maximum of \$20,000,000 as follows:

The National City Bank of New York	\$5,666,667
Central Hanover Bank & Trust Co., New York	6,666,667
Mellon National Bank & Trust Co., Pittsburgh	6,666,666
	20,000,000

The credit agreement is to be executed as soon as practicable after authorization by the Commission, and it is contemplated that the first borrowing is to be made promptly upon execution of the credit agreement. Each borrowing is to be from each bank pro rata and is to be evidenced by separate notes maturing July 1, 1951, and bearing interest at 2½ percent per annum. Michigan-Wisconsin, at its option and subject to the approval of the Commission, is to have the right to renew the notes for an additional term of one year from July 1, 1951 upon the same terms and conditions. The notes are to be payable in whole or in part, but if in part, then pro rata in amounts of \$600,000 or multiples thereof, and if prepayment is made directly or indirectly from the proceeds of loans by banks not parties to the proposed credit agreement, a prepayment penalty is to be paid at the rate of one-quarter of one percent per annum, computed for the period from the date of prepayment to the maturity date of the notes being prepaid. A commitment fee is to be paid computed at the rate of one-half of one percent per annum on the average daily unused balance of the commitment from the date of the credit agreement to June 30, 1951 or until the entire \$20,000,000 shall have been taken down, whichever shall occur first.

The credit agreement is to provide that if the company shall not have received \$3,000,000 in cash on or before June 20, 1951, either through the sale of its preferred stock, common stock, or debt obligations subordinated to the notes to be issued, it will, on or before June 30, 1951 prepay \$3,000,000 principal amount of the notes. The credit agreement is also to contain certain limitations with respect to the payment of dividends, mergers, consolidations, and the incurrence of additional indebtedness.

It is stated that the proceeds from the first borrowing under the credit agreement are to be used, to the extent necessary, to prepay all then outstanding nine-month notes of the Company to the banks who are parties to the credit agreement. The remaining proceeds obtained under the commitment are to be used to finance the construction of additional pipeline facilities. It is also stated that as soon as practicable, the company proposes to consummate a permanent financing program which will provide for the elimination prior to their maturity of the notes issued pursuant to the credit agreement, and that it is contemplated that such program will include the issuance and sale by the company of \$12,000,000 principal amount of additional first mortgage bonds and \$3,000,000 additional common stock.

The application having been filed June 29, 1950, and notice of the filing of said application, as amended, having been issued in the form and manner prescribed by Rule U-23 promulgated under

the act, and the last amendment having been filed on July 13, 1950, and the Commission not having received a request for a hearing with respect to said application, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicant having requested that an order to become effective upon its issuance, be entered granting said application, and according to opinion of counsel for applicant, it appearing that no regulatory authority other than the Securities and Exchange Commission has jurisdiction over the proposed transactions; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary thereunder, that no basis appears for imposing any terms and conditions in connection with our order other than those specified by Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application, as amended; and

It appearing that the estimated fees and expenses, aggregating \$3,500, including counsel fees of \$1,000 payable to Sidley, Austin, Burgess & Smith and service company fees of \$750 payable to American Natural Gas Service Company are not unreasonable and should be approved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application, as amended, be, and it hereby is, granted, subject to the terms and conditions prescribed by Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 50-6638; Filed, July 28, 1950;  
8:48 a. m.]

[File Nos. 70-2435, 70-2436]

SOUTHERN CO. ET AL.

## NOTICE OF FILING, ORDER FOR CONSOLIDATION, AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of July A. D. 1950.

In the matter of The Southern Company, Alabama Power Company, File No. 70-2435; Electric Bond and Share Company, File No. 70-2436.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), a public utility subsidiary of Southern, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding, among other things, the acquisition by Southern, in exchange for common stock of Southern,



of the common stock of Birmingham Electric Company ("Birmingham"), a public utility subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company. Applicants-declarants designate sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 thereunder as applicable to the proposed transactions.

Notice is further given that Bond and Share, which is the owner of approximately 46% of the common stock of Birmingham, has filed an application-declaration pursuant to the act and rules and regulations promulgated thereunder regarding the transfer of its holdings of the common stock of Birmingham to Southern in exchange for common stock of Southern. Bond and Share has designated section 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions.

All interested persons are referred to said applications and declarations which are on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

(1) Southern and Bond and Share have entered into an agreement providing for the acquisition by Southern and the sale by Bond and Share of the latter's holdings of 254,045 shares of the common stock of Birmingham in exchange for 381,067½ shares of the common stock of Southern, which is on the basis of 1½ shares of common stock of Southern for each share of common stock of Birmingham.

(2) Southern also proposes to acquire as many of the remaining 291,565 shares of the common stock of Birmingham outstanding in the hands of the public as may be tendered in exchange for shares of its common stock on the same basis as agreed upon with Bond and Share, namely, at the rate of 1½ shares of Southern common stock for one share of Birmingham common stock. No half shares will be issued in such exchanges or in the exchange with Bond and Share, but Southern will pay in cash for each half share due an amount equal to one-half of the public offering price per share of the 1,000,000 shares of common stock of Southern proposed to be issued by Southern in accordance with a pending application-declaration (File No. 70-2422) or an amount equal to one-half of the closing sale price on shares of Southern common stock on the New York Stock Exchange on the date of this Commission's order herein authorizing such exchange offer or an amount to be determined by some other method subject to the approval of the Commission.

(3) Alabama proposes to acquire as many of the 64,000 shares of Birmingham's \$100 par value 4.20 percent preferred stock outstanding in the hands of the public as may be tendered in exchange for shares of \$100 par value 4.20 percent preferred stock of Alabama on a share for share basis.

(4) Southern and Alabama propose that the exchange offers described in paragraphs (2) and (3) will be made as soon as practicable following the order of the Commission herein authorizing the proposed transactions and that such

exchange offers will remain open for a period of 21 days subject to an extension at the option of the companies.

(5) Following the acquisition by Southern of Birmingham's common stock, Southern proposes to transfer such shares to Alabama for shares of common stock of Alabama, at a rate to be determined upon and supplied by amendment herein.

(6) The joint application-declaration filed by Southern and Alabama states that after the acquisition of the securities of Birmingham by Southern and Alabama, such companies will endeavor as soon as practicable to cause Birmingham to dispose of its transportation properties to non-affiliated companies, and that within two calendar years subsequent to the calendar year in which such disposition is made by Birmingham, Alabama will acquire the electric properties and other remaining assets of Birmingham by merger, liquidation or otherwise, on a basis which will provide for the holders of the then unexchanged common stock and preferred stock of Birmingham such consideration as shall not be more favorable under the then circumstances than that proposed in the instant case.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said applications and declarations and that said applications and declarations shall not be granted or be permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that the foregoing matters under File Nos. 70-2435 and 70-2436 involve common questions of law and fact and that substantial savings of time and expense will be achieved if such matters are consolidated;

It is ordered, That the proceeding with respect to the joint application-declaration filed by Southern and Alabama (File No. 70-2435) and the proceeding with respect to the application-declaration filed by Electric Bond and Share Company (File No. 70-2436) be, and the same hereby are, consolidated, without prejudice, however, to the right of the Commission to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, matters or questions herein set forth or which may arise in these proceedings or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That a hearing on said applications and declarations pursuant to the applicable provisions of the act and the rules thereunder be held on August 8, 1950, at 10 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the Hearing Room Clerk in Room 193. Any person desiring to be heard, or wishing to participate in the proceedings, shall file with the Secretary of the Commission on or before August 4, 1950, a written request relative thereto as provided by

Rule XVII of the Commission's rules of practice.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise such powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the applications and declarations and upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the specification of additional matters or questions upon further examination:

(1) Whether the proposed acquisition by Southern and Alabama of the securities of Birmingham and the proposed acquisition by Bond and Share of the common stock of Southern meet the requirements of the applicable provisions of the act, particularly section 10.

(2) Whether within the meaning of section 10 (b) (2) of the act the consideration involved in the proposed transactions is reasonable or bears a fair relationship to the sums invested in or to the earning capacity of utility assets underlying such securities.

(3) Whether within the meaning of section 10 (c) (2) of the act the acquisition by Southern and Alabama of the securities of Birmingham will serve the public interest by tending toward the economical and efficient development of an integrated public utility system.

(4) Whether within the meaning of section 10 (b) (1) the acquisition by Bond and Share of the common stock of Southern will tend toward interlocking relations or the concentration of control of public-utility companies of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

(5) Whether, in the event that the proposed acquisition by Bond and Share of the common stock of Southern meets the standards of the act and is permitted, it is necessary to impose terms and conditions with respect to the disposition of such stock by Bond and Share, and particularly whether the acquisition should be permitted only upon condition that Bond and Share dispose of such stock within a limited period of time.

(6) Whether the proposed offers to be made to the public holders of securities of Birmingham are fair and if not whether such offers should be modified.

(7) Whether the financing of the proposed acquisition of Birmingham common stock by Southern through an issuance of Southern common stock satisfies the standards of section 7 of the act.

(8) Whether the financing of the proposed acquisition of Birmingham preferred stock by Alabama through the issuance of Alabama preferred stock satisfies the standards of section 6 (b) of the act and whether it is necessary or appropriate to impose any terms and



conditions in the public interest or for the protection of investors or consumers.

(9) Whether competitive conditions have been maintained in the negotiations of the proposed sale of the common stock of Birmingham by Bond and Share and whether the proposed sale of such stock is in conformity with the applicable standards of the act, particularly section 12 (d) thereof.

(10) Whether the fees and expenses and remunerations to be paid by Southern, Alabama, and Bond and Share in connection with the proposed transactions are for necessary services and are reasonable in amount.

(11) Whether the proposed accounting entries to be recorded in connection with the proposed transactions are proper and conform with sound accounting principles and meet the standards of the act.

(12) Whether, if the transactions proposed herein are approved, it is necessary and appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions, and in particular whether it is necessary or appropriate to impose any terms and conditions with respect to disposition by Southern and Alabama of the transportation and steam heating properties of Birmingham, and if so, what terms and conditions should be imposed.

(13) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules and regulations promulgated thereunder.

It is further ordered, That a copy of this notice shall be mailed by registered mail to the Federal Power Commission, the Alabama Public Service Commission, the Mayor of the City of Birmingham, The Southern Company, Alabama Power Company, Electric Bond and Share Company, and Birmingham Electric Company; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 50-6639; Filed, July 23, 1950;  
8:48 a. m.]

[File No. 70-2393]

**RHODE ISLAND POWER TRANSMISSION CO.  
ORDER GRANTING DECLARATION**

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of July A. D. 1950.

Rhode Island Power Transmission Company ("Rhode Island"), a public utility subsidiary company of The Narragansett Electric Company ("Narragansett"), which, in turn, is a public utility subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed a declaration, pursuant to sections 12 (c)

and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-24, U-43 (a) and U-46 (a) promulgated thereunder, with respect to the following transactions:

Rhode Island, which owns, among other things, certain transmission lines connecting Narragansett's electric properties with the transmission lines of other companies in the NEES holding company system, proposes to sell to Narragansett all of its properties and assets for \$949,327, subject to certain adjustments. Narragansett will pay for such properties and assets by: (a) The cancellation of Rhode Island's indebtedness to it in the amount of \$500,000 evidenced by a demand note bearing interest at the rate of 4 percent per annum and in the amount of \$396,323 on open account, aggregating \$896,323 as at March 31, 1950, (b) the assumption of Rhode Island's liabilities, (c) the payment of all expenses in connection with the transaction and (d) the conveyance to Rhode Island of its demand note or other acceptable obligation representing the balance of the purchase price, or certificates representing all of Rhode Island's 5,000 shares of \$100 par value capital stock with a notation stamped thereon that there has been paid on account thereof the net amount distributable in connection with the liquidation of Rhode Island.

The Public Utility Administrator of Rhode Island has approved the proposed sale by Rhode Island.

The Commission finding with respect to the declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said declaration be permitted to become effective, and further deeming it appropriate to grant the request of Rhode Island that the order herein become effective forthwith upon its issuance.

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 50-6640; Filed, July 23, 1950;  
8:48 a. m.]

[File No. 70-2432]

**COLUMBIA GAS SYSTEM, INC.**

**MEMORANDUM OPINION AND ORDER**

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of July A. D. 1950.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration, and amendments thereto, pursuant to section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale by Columbia, pursuant to the competitive

bidding requirements of Rule U-50, of \$90,000,000 principal amount of Series B Debentures due 1975, the proceeds of which will be used in part to retire \$45,000,000 principal amount of 3½ percent Debentures due 1973, \$20,000,000 principal amount of 3 percent Debentures due 1974 and \$13,000,000 principal amount of 3 percent Debentures due August 1974, and the balance to be used to provide funds for the continuance of Columbia's 1950 construction program. The declarant has also requested that the Commission's order permit shortening the 10-day period for inviting sealed bids pursuant to Rule U-50.

The Indenture under which the proposed Debentures are to be issued permits the issuance of debt to the extent of 60 percent of total capitalization, as defined therein, whereas the Indenture under which the Debentures to be retired were issued permits the issuance of such debt only to the extent of 50 percent of such capitalization.

Columbia states that while it is presently of the opinion that a debt ratio of approximately 50 percent is desirable, it believes that a substantial amount of additional borrowing capacity is necessary during periods of heavy construction, when the debt ratio may temporarily increase. Columbia further states that it is its present intention to provide such amounts of additional capital, from time to time, and when market conditions are favorable, from the sale of common stock as will together with retained earnings permit it to maintain a consolidated capital structure having approximately equal amounts of debt and equity.

We recognize the desirability of Columbia's having the flexibility with respect to future financing which the proposed debt limitation of sixty percent will permit and in light of this recognition and the above-stated intention of Columbia with respect to such future financing are permitting the declaration herein to become effective. Such action on our part should not, however, be construed as an indication that we believe Columbia's future financing should be in the form of debt or that we would under all circumstances approve the issuance of debt to the full limit permitted by the Indenture. We are in full accord with Columbia that a continuing debt ratio of not to exceed 50 percent of capitalization is a desirable objective and every effort should be made to maintain such ratio.

Said declaration having been duly filed on July 7, 1950 and the last amendment thereto having been filed on July 24, 1950 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective;



## NOTICES

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of Debentures shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That the ten-day period for inviting sealed bids pursuant to Rule U-50 with respect to the said Series B Debentures due 1975 be, and hereby is, shortened to six days, so that bids may be opened on August 1, 1950.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of legal fees and expenses to be incurred in connection with the proposed transaction.

By the Commission,

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 50-6641; Filed, July 23, 1950;  
8:48 a. m.]

## DEPARTMENT OF JUSTICE

## Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 639, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11951.

[Vesting Order 14569]

ELISABETH SCHMIDT

In re: Bank account owned by Elisabeth Schmidt, F-28-25151-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Schmidt, whose last known address is Berlin-Wilmersdorf Landauer Strasse 1, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elisabeth Schmidt by Bishop Trust Company, Limited, P. O. Box 2390, Honolulu 4, Hawaii, arising out of an agency account in the name of Elisabeth Schmidt, maintained at said Bishop Trust Company, Limited, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence

of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 12, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Acting Director,  
Office of Alien Property.

[F. R. Doc. 50-6659; Filed, July 28, 1950;  
8:49 a. m.]

## BERTHA AND JULIUS VAMOS

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bertha Vamos, Administratrix of the Estate of Julius Vamos, decd., New York, New York; Claim No. 6871; \$1,405.89 cash in the Treasury of the United States. All right, title and interest of Joseph Vamos, also known as Josef Vamos, in and to the Estate of Anie Sharf, also known as Ilka Nick, Ilka Mauthner, Ilka Nick and Anni Sharf, deceased.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-6663; Filed, July 28, 1950;  
8:50 a. m.]

## MARIA TERESA FERRISE

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Teresa Ferrise, Cosenza, Italy; Claim No. 35273; \$64.56 in the Treasury of the United States. One (1) Life Insurance Certificate No. A440, dated May 1, 1940, issued by the Travelers Insurance Company of Hartford, Connecticut, in the face amount of \$1,000.00 on the life of Giovanni Ferrise, named beneficiary, Maria Teresa Ferrise, in custody of the Deposit and Clearance Section, Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Office of Alien Property.

[F. R. Doc. 50-6662; Filed, July 28, 1950;  
8:50 a. m.]

[Return Order 693]

## FRANCESCA PAOLA LOMBARDO AND GIULIO CESARO

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Francesca Paola Lombardo, Palermo, Italy; and Giulio Cesaro, Palermo, Italy; Claim No. 33762; February 28, 1950 (15 F. R. 1096); \$3,207.31 in the Treasury of the United States. \$3,207.31 in the Treasury of the United States. All right, title and interest of Concettina Cesaro in and to the trusts under the will and codicil of Gabriel Marino, deceased, to Francesca Paola Lombardo and Giulio Cesaro in equal shares.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on July 24, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 50-6660; Filed, July 28, 1950;  
8:49 a. m.]